



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8406 of 2022

Ashokan @ Ashok

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vazhappadi Police Station,
Salem District.
(Crime No.75 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.75 of 2022 on the file of the respondent police.

For petitioner : Mr.C.Prakasam

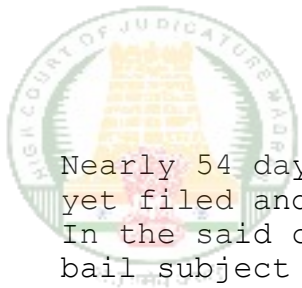
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested for the alleged offences under Sections 273, 328 of IPC and Sections 7(i) and 20(ii) of the Cigarette and Other Tobacco Products Act, in Crime No.75 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 987.600 kg of prohibited tobacco products worth Rs.5,71,080/- and the same was seized on 15.02.2022, which has been kept in the backyard of the petitioner's house. The petitioner was arrested on the same day for the offences under Sections 273, 328 of IPC and Sections 7(i) and 20(ii) of the Cigarette and Other Tobacco Products Act.

3.The First Information Report indicates that banned tobacco of different brands total weighing nearly 1000 kg were seized from the petitioner's house and the petitioner was arrested on 15.02.2022.



Nearly 54 days has lapsed from the date of arrest, final report is not yet filed and the custodial interrogation is not sought for till date. In the said circumstances, the petitioner is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vazhappadi, Salem District;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigation Officer as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VAZHAPPADI,
SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
VAZHAPPADI POLICE STATION,
VAZHAPPADI, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM,
SALEM DISTRICT.

+1 CC to M/S. C.PRAKASAM Advocate on payment of necessary charges
SR.NO. 5579

CRL OP.8406/2022

Date :12/04/2022

RW 13/04/2022