



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8454 of 2022

Elumalai

.. Petitioner

Vs.

The State rep. by
The Sub Inspector of Police,
Vettavalam Police Station,
Thiruvannamalai District.
(Crime No.106 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 Crime No.106 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

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

ORDER

The petitioner, who was arrested on 03.04.2022 for the offences punishable under Section 328 I.P.C. read with 24(1) of Cigarette and other Tobacco Products Acts 2003 in Crime No.106 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was found in possession 2.200 kgs of banned tobacco product, kept in his petty shop for selling to the public. During the raid, the respondent police has seized the banned products and arrested the petitioner on 03.04.2022 for the alleged offences under sections 328 I.P.C. read with 24(1) of Cigarette and other Tobacco Products Acts 2003.

3.Learned counsel for the petitioner states that the petitioner is innocent person and nothing was seized from him. However, the learned Additional Public Prosecutor appearing for the respondent



states that during the surprise check, the respondent police found the banned tobacco product kept in the petty shop of the petitioner and the same was seized under mahazar.

4. Taking note of the fact that the petitioner has no previous bad antecedent of similar in nature, this Court is inclined to grant bail to the petitioner. Accordingly, 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.25,000/- (Rupees Twenty five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Thiruvannamalai;

(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 Tiruvannamalai Town Police daily at 10.30 a.m. for 30 days.

(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/-
19/04/2022

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 JUDICIAL MAGISTRATE,
NO.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
TIRUVANNAMALAI TOWN POLICE,
TIRUVANNAMALAI.

+1 CC to M/S.E.SATHIYARAJ
charges SR.NO.5780

Advocate on payment of necessary

CRL OP.8454/2022

Date :19/04/2022

JPA 19/04/2022