



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8565 of 2022

Raja

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai District.
(Crime No.105 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.105 of 2022 on the file of the respondent police.

For Petitioner : Mr.B.Sundarapandiyan

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

ORDER

The petitioner, who was arrested on 03.04.2022 for the offences punishable under Section 328 of IPC read with 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.105 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner was arrested on 03.04.2022, since he was found in possession of 105 pockets of hans chhap tobacco in his grocery shop, which is a prohibited tobacco product by the State. The petitioner herein states that he is innocent and nothing was recovered from him.

3. Taking note of the fact that the prohibited product is around 2100 gms and the petitioner is in incarceration for the past ten days and on considering the fact that this is the first case against this



petitioner and he has no bad antecedents, this Court is inclined to grant bail to this 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 Court No.II, Thiruvannamalai, Thiruvannamalai 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 appear before the Investigating Officer as and when required.

(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/-
13/04/2022

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.2, TIRUVANNAMALAI



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

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

4 THE OFFICER INCHARGE
SUB JAIL, TIRUVANNAMALAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary
charges SR.NO.5631

CRL OP.8565/2022

Date :13/04/2022

JPA 13/04/2022