



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8556 of 2022

Babu

.. Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
Vettavalam Police Station,
Vettavalam
Thiruvannamalai District.
(Crime No.107 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.107 of 2022 on the file of Sub Inspector of Police, Vettavalam Police Station, Thiruvannamalai District.

For Petitioner : Mr.D.Arun

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

O R D E R

The petitioner, who was arrested on 03.04.2022 for the offences punishable under Section 328 of IPC read with 24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003 in Crime No.107 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 120 pockets of hans in his petty shop, which is a tobacco product prohibited 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 2kg 400gm 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.II, THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

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

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUVANNAMALAI.

4 THE SUB INSPECTOR OF POLICE
VETTAVALAM POLICE STATION,
VETTAVALAM,
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.NO. 5625

CRL OP.8556/2022

Date :13/04/2022

RW 13/04/2022