



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8713 of 2022

R.Bakkiyaraj

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
(Crime No.172 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 respect of Crime No.172 of 2022 on the file of the Inspector of Police, Kalasapakkam Police Station, Thiruvannamalai District.

For Petitioner : Dr.C.Ravichandran

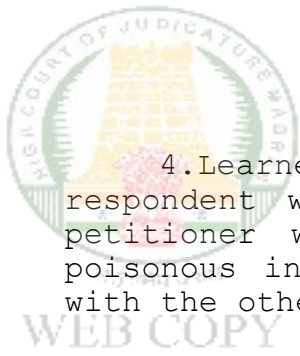
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 01.04.2022 for the offences punishable under Sections 273, 328 and 511 of IPC read with Section 6(b) and 24(1) of the Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.172 of 2022, on the file of the respondent police, seeks bail.

2.During the surprise raid by the respondent police, the banned tobacco items weighing 24 kgs was recovered from the petty shop of the petitioner. Hence, he was arrested on 01.04.2022 for the alleged offences under sections 273, 328 and 511 of IPC read with Section 6(b) and 24(1) of the Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

3.Learned counsel for the petitioner would state that most of the alleged offences are bailable except sections 328 and 511 of I.P.C. As far as this case is concerned, the ingredients of sections are not made out.



4. Learned Additional Public Prosecutor appearing for the respondent would oppose the bail petition on the ground that the petitioner was in possession of banned tobacco items, which are poisonous in nature. Hence, both Sections 328 and 511 I.P.C along with the other sections will get attracted.

5. Whether the Sections or ingredients are made out, will be the subject matter of investigation or trial. As of now, since the petitioner is in prison for the past 16 days and the contraband already been seized and this being the first case of the petitioner, 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate's Court, Kalasapakkam;

(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 Villupuram Town Police daily at 10.30 a.m. until further orders.

(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/-

18/04/2022

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,
KALASAPAKKAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

6 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

CC to M/S.DR.C.RAVICHANDRAN Advocate on payment of necessary
charges Sr.5714

CRL OP.8713/2022

Date :18/04/2022

RVR 18/04/2022