



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8953 of 2022

Prakash

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
(Crime No.231 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.231 of 2022 on the file of P1 Pulianthope Police Station.

For Petitioner : Mr.D.Ashokkumar

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

ORDER

The petitioner, who was arrested for the offences punishable under Sections 24(i) of Cigarette and Other Tobacco Products Act 2003 and 328 of IPC in Crime No.231 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner was arrested on 29.03.2022 for the alleged possession of the following banned items in his cool drinks shop:

1)Vimal Pan Masala	-6.5 gram x70 Pkts.	=450 Grams
2) MDM Pan Masala	-0.5 gram x80Pkts.	=400 Grams
3) Swagat Tobacco	-25 gram x11 Pkts.	=275 Grams
4) Hans Tobacco	-20 gram x38 Pkts.	=760 Grams
5) Mava	-530 gram x1 Pkt	=530 Grams
		2.415 Grams



3.Learned counsel for the petitioner would submit that the petitioner is the care taker of the shop and he was not aware of the contraband kept in the shop.

4.Taking note of the fact that the petitioner was arrested on 29.03.2022 and the tobacco products kept illegally had already been seized, 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 X Metropolitan Magistrate, Egmore, Chennai;

(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 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.

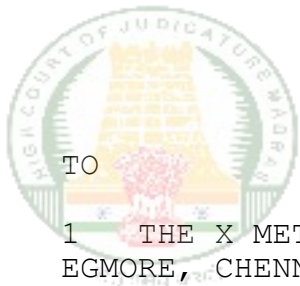
-sd/-

20/04/2022

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI .

4 THE SUPERINTENDENT
CENTRAL JAIL, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. ASHOKKUMAR D. Advocate on payment of necessary
charges SR.No.5879

CRL OP.8953/2022

Date :20/04/2022

CSK 21/04/2022