



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10105 of 2022

Ubaiyathula

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kundadam Police Station,
Tiruppur.
(Crime No.74 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner herein on bail in Crime No.74 of 2022 on the file of the Inspector of Police, Kundadam Police Station, Tiruppur / respondent.

For Petitioner : Mr.T.Shanmugam

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

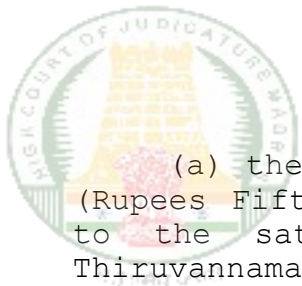
O R D E R

The petitioner, who was arrested on 09.03.2022 for the offences punishable under Sections 273, 328 of IPC and under Section 7(1) & 20(2) of Cigarette And Other Tobacco Products Act 2003, in Crime No.74 of 2022, seeks bail.

2.The petitioner was arrested on 09.03.2022 for the alleged possession of 13.350 grams of banned tobacco products which was concealed in his petty shop. Earlier, the bail petition was dismissed on the ground that the petitioner is a habitual offender and the release of the petitioner at this stage may led to abscondance.

3.Now, the learned counsel for the petitioner states that the petitioner is in prison for more than 50 days and ready to abide by any condition.

4.Considering the period of incarceration, 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thiruvannamalai;

WEB COPY (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 petitioners 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/-

28/04/2022

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.I, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S T.SHANMUGAM Advocate on payment of necessary charges
Sr.6421

CRL OP.10105/2022

Date :28/04/2022

RVR 29/04/2022