



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.9015 of 2022

Chelladurai

.. Petitioner

Vs.

State Rep. By
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.70 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 connection with the Crime No.70 of 2022 on the file of the respondent police.

For petitioner : Mr.M.Purushothaman

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

ORDER

The petitioner, who was arrested for the alleged offences under Sections **328 of IPC r/w. Section 24(1) of the Cigarette and Other Tobacco Products Act, 2003, in Crime No.70 of 2022**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested on 31.03.2022, while he was transporting Rs.3750/- worth of banned tobacco products viz., Hans pockets in his Bajaj CT 100 two wheeler.

3. The learned counsel for the petitioner states that he is innocent and nothing to do with the contraband alleged to have been seized.

4. Taking note of the fact that it is the first case against this petitioner, no bad antecedents in similar nature and the petitioner is in prison for nearly 20 days, this Court is inclined to grant bail to the petitioner. Accordingly he 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 Court, Pappirettipatti, Dharmapuri 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 report before the Investigation 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 JUDICIAL MAGISTRATE,
PAPPIRETTIPATTI, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. M.PURUSHOTHAMAN Advocate on payment of necessary
charges SR.NO.5864

CRL OP.9015/2022

Date :20/04/2022

TA-21/04/2022