



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9286 of 2022

Kalilur Rahman @ Babu

.. Petitioner

Vs.

The State rep.by its
The Sub-Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.133 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.133 of 2022 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

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

O R D E R

The petitioner herein was arrested on 29.03.2022 for the alleged offences under Sections 273, 328, 511 IPC r/w Sections 6(b), 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.133 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner was found in possession of 2250 packets of banned Hans and 564 packets of Cool lips, was arrested by the respondent police on 29.03.2022.

3.Learned counsel for the petitioner submitted that the investigation is completed, the alleged prohibited goods had already been seized and therefore, the petitioner may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent submits that investigation is still pending and the final report has not been filed.



5. Considering the rival submissions, 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;

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(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, Polur, Tiruvannamalai 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 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/-

22/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
POLUR, TIRUVANNAMALAI DISTRICT.

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



3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE SUB INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S SATHIYARAJ E. Advocate on payment of necessary
charges SR.NO. 6051

CRL OP.9286/2022

Date :22/04/2022

RW 22/04/2022