



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9263 of 2022

Sathik Basha

.. Petitioner

Vs.

State rep.by

.. Respondent

The Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
(Crime No.207 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.207 of 2022 pending on the file of the respondent.

For Petitioner : Mr.M.Mohamed Riyas

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

ORDER

The petitioner herein was arrested on 04.04.2022 for the alleged offences under Sections 273, 328, 511 IPC and Section 6(b) r/w 24(1) COTPA, in Crime No.207 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 04.04.2022 for the alleged possession of 150 kg of banned tobacco products stored in the shop. The seizure was part of the total seizure of 350 kgs tobacco which was financed by this petitioner and transported on his instructions. Earlier this Court dismissed the bail petition since the learned Additional Public Prosecutor submitted that the investigation is at nascent stage. Now after lapse of 10 days, the petitioner has revived the bail petition again. She further submits that there are two more accused absconding and one of the absconding accused is the brother of this petitioner.



3. Considering the fact that the entire contraband alleged to have been transported was seized and this petitioner has no previous bad antecedence, the absconding of his brother shall not be ground to deny bail to this petitioner. Hence, 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.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Cheyyar.**

(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 twice daily at 10.30 a.m. and 05.00 p.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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR, TIRUVANNAMALAI.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, VANDHAVASI.

+1 CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary
charges SR.NO.6013

CRL OP.9263/2022

Date :22/04/2022

TA-22/04/2022