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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.OP.No.10109/2022

Edward Amala Julian

... Petitioner /Sole Accused

Vs

State represented by,
The Inspector of Police,
Vettavalam Police Station,
Vettvalam,
Tiruvannamalai District.

... Respondent

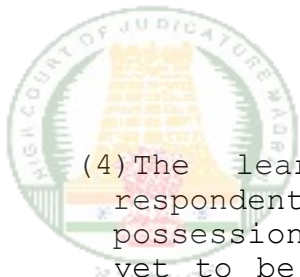
Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.123 of 2022 pending on the file of the respondent.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Gopinath
Government Advocate [Crl.Side]

ORDER

- (1)The petitioner, sole accused, who was arrested on 17.04.2022 for the alleged offences punishable under Section 328 of IPC read with Section 24[1] of Cigarette and other Tobacco Products Acts, 2003, in Crime No.123 of 2022 on the file of the respondent police, seeks bail.
- (2)The case of the prosecution is that when the respondent police conducted a search in the residence of the petitioner, who is the owner of a petty shop, seized 2,240 grams [112 packets] of Hans Chaap tobacco, resulting in the registration of the case.
- (3)The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the case. He would further submit that the petitioner has got no bad antecedents and that the worth of the contraband was Rs.2000/-. Learned counsel also submitted that the petitioner is in jail for nearly 25 days from 17.04.2022.



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(4) The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of 2,240 grams of banned tobacco, the value of which is yet to be assessed. It is his further submission that the entire contraband was seized and that the investigation is pending.

(5) Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is pending and that the entire contraband was seized and also taking into consideration the period of incarceration and further that the petitioner has got no bad antecedents and no previous case, this Court is inclined to grant bail to the petitioner.

(6) Accordingly, the petitioner is ordered to be released on bail on his executing 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. II, Tiruvannamalai** and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police once in two weeks at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

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-sd/-
11/05/2022

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.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
VETTAVALAM,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, TIRUVANNAMALAI

+1 CC to M/S. B.JAWAHAR Advocate on payment of necessary charges SR.NO.6987

CRL OP.10109/2022

Date :11/05/2022

TA-11/05/2022