



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2022

CORAM:

THE HON'BLE Mr. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.10884 of 2022

S.Muthu
S/o.Singaram
No.271, Ambedhar Street
Ayyampalayam Village
Tiruvannamalai Taluk & District

... Petitioner

Vs.

State Rep. by the Sub-Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai
(Crime No.315 / 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.315 of 2022 on the file of the respondent.

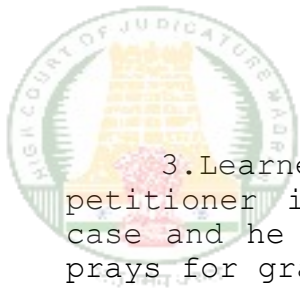
For Petitioner : M/s.S.S.Jhothivani

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
O/o. Public Prosecutor

O R D E R

The petitioner, who was arrested on 08.04.2022 for the alleged offences punishable under Sections 273, 328 511 IPC r/w. 24(1) Cigarette and Tobacco Product Act 2003, in Crime No.315 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was illegally in possession of prohibited Vimal Pan Masala 1410 packets, 1320 packets of V1 tobacco products worth about Rs.9,400/- and the same was seized by the respondent police. The petitioner was arrested on 08.04.2022 for the alleged offences under Sections 273, 328 511 IPC r/w. 24(1) Cigarette and Tobacco Product Act 2003, in Crime No.315 of 2022 by the respondent police.



3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case and he has been suffering incarceration from 08.04.2022. Hence, prays for grant of bail.

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4.Learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner was in possession of banned tobacco products viz. Vimal Pan Masala 1410 packets, 1320 packets of V1 tobacco products worth about Rs.9,400/- and the same was seized by the respondent police. He would further submit that there is no previous case pending against the petitioner.

5.Considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner 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.2, Tiruvannamalai;

(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 respondent police once in a month for interrogation;

(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/-

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 DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI.

4 THE SUB INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.S.JHOTHIVANI Advocate on payment of necessary
charges SR.NO. 6926

CRL OP.10884/2022

Date :11/05/2022

RW 11/05/2022