



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11324 of 2022

SARTHAR ALI @ SARDHAR ALI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.132 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.GURUPRASAD Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.03.2022 for the alleged offence under Section 273, 328 and 511 of I.P.C and Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.132 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of the banned Tobacco products. The previous bail petition filed by the petitioner has been dismissed by this Court, considering the quantity of the Tobacco products that were seized from the petitioner.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).



4. Taking into consideration the facts and circumstances of the case and also the fact that the entire contraband was seized by the respondent police and also the petitioner is in incarceration for more than 49 days and as there are no previous cases against him and hence no useful purpose will be served in keeping the petitioner inside jail and it is not going to help the prosecution in making any further progress in the investigation. The changed circumstances in this case is the continued incarceration of the petitioner, the petitioner will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Polur, and on further conditions that:-

[a] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Central Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond.

[b] the petitioner and 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.

[c] the petitioner is directed to report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

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,
POLUR,
TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE
SUB JAIL,
POLUR, TIRUVANNAMALAI DISTRICT

6 THE CANCER INSTITUTE (WIA)
EAST CENTRAL BANK ROAD
ADYAR, CHENNAI

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.No. 7276

CRL OP.11324/2022

Date :18/05/2022

SP(20/05/2022)