



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.12231 & 12235 of 2022

VETRIVEL

[PETITIONER / ACCUSED
IN CRL.OP.NO.12231/2022]

K.SENTIL KUMAR

[PETITIONER / ACCUSED
IN CRL.OP.NO.12235/2022]

Vs

STATE
INSPECTOR OF POLICE,
D1, TRIPLICANE POLICE STATION,
CHENNAI.
(CRIME NO.297/2022)

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.M.P.SARAVANAN Advocate
[IN CRL.OP.NO.12231/2022]

For Petitioner : M/S.D.PADMANABHAN Advocate
[IN CRL.OP.NO.12235/2022]

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 22.04.2022 for the alleged offences under Sections 294(b), 328, 506(i), IPC and 24(i) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.297 of 2022 on the file of the respondent police, seek bail.



2. The case of the prosecution is that the petitioners were found in illegal possession of 540.50 kgs of banned tobacco products in their shop, valued at a sum of Rs.2,50,000/-.

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3. Heard Mr.D.Padmanabhan, learned counsel for the petitioners and Mr.E.Raj Thilak, learned Additional Public Prosecutor for the respondent.

4. There are totally three accused persons in this case and the petitioners have been arrayed as A1 and A2. The learned Additional Public Prosecutor submits that A3 is still absconding.

5. Taking into consideration the facts and circumstances of the case and also the fact that the entire banned tobacco has been seized by the respondent Police and the petitioners have already suffered incarceration for nearly 30 days and there are no previous cases against the petitioners, this Court is inclined to enlarge the petitioners on bail subject to imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail (i) on each of them depositing a sum of Rs.15,000/- (Rupees fifteen thousand hundred only) with the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), and (ii) on each of them 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 II Metropolitan Magistrate, Egmore, and on further conditions 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 petitioners shall report before the respondent Police every Friday at 06.30 p.m until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]; and



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

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-sd/-

23/05/2022

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI-08.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
D1, TRIPLICANE POLICE STATION,
CHENNAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE PRESIDENT, TAMIL NADU ADVOCATES
CLERK ASSOCIATION, MADRAS HIGH COURT,
CHENNAI (INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

+1 CC to M/S.M.P.SARAVANAN Advocate on payment of necessary
charges SR.NO. 7772

+1 CC to M/S.D.PADMANABHAN Advocate on payment of necessary
charges SR.NO. 7786

CRL OP.Nos.12231 & 12235 of 2022

Date :23/05/2022

RW-24/05/2022