



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.11540 of 2022

MUHAMED RILWAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI-17.

(CRIME NO.79/2022)

For Petitioner : M/S V.VIVEK 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 29.04.2022 for the alleged offence under Sections 328 of I.P.C and 24(1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.79 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons who were travelling in a car were found to be in possession of 414 kgs of Tobacco products worth Rs.3,00,000/-. There are totally two accused persons in this case and the petitioner has been arrayed as A.1.

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 18 days and as there are no previous cases against the petitioner and also the fact that A.2 was granted bail by the Sessions Court, 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:



WEB COPY

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet, Chennai - 15, and on further conditions that:-

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft to the Madras Advocate Clerk Association, 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 appear before the respondent police on every Monday at 10:30 a.m for a period of six (6) weeks, thereafter as and when required by the respondent police.

[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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI-15.

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

3 THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI-17.

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI-15.

5 THE MADRAS ADVOCATE CLERK ASSOCIATION,
CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S V.VIVEK Advocate on payment of necessary charges
SR.NO.7391

CRL OP.11540/2022

Date :18/05/2022

CSK 20/05/2022