



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.11455 of 2022

MARIMUTHU

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
PALLIKONDA POLICE STATION,  
VELLORE DISTRICT.  
(CRIME NO.134/2022)

[ RESPONDENT ]

For Petitioner : M/S.G.VINODH KUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate ( CrI. 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 24.04.2022 for the alleged offence under Section 7(5), 20(2) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.134 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was driving a vehicle and it was found that he was illegally transporting 112 Kgs of Tobacco products. The owner of the vehicle has been arrayed as A.2 and the petitioner who is driver has been arrayed as A.1.

3. Learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and no such crime has taken place as alleged by the prosecution. The learned counsel for the petitioner further submitted that the petitioner has suffered incarceration for more than 23 days.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondent.



5. Taking into consideration the facts and circumstances of the case and also the entire contraband has been seized by the respondent /Police and the petitioner is in incarceration for more than 20 days, the petitioner will be entitled for bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6. 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 No.V, Vellore, 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 petitioner shall deposit a sum of Rs.10,000/- by way of Demand Draft to the Madras Advocate Clerks Association, Chennai and produce the receipt to the Court below at the time of executing the bond.

[c] the petitioner shall report before the respondent police on every Friday at 06.30 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.

-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,  
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
PALLIKONDA POLICE STATION,  
VELLORE DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE MADRAS ADVOCATE CLERKS ASSOCIATION,  
CHENNAI.

+1CC to M/S.G.VINODH KUMAR Advocate on payment of necessary  
charges SR.NO.7296

CRL OP.11455/2022

Date :18/05/2022

CSK 20/05/2022