



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12422 of 2022

PACHIYAPPAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.
(CR.NO.183/2022)

[RESPONDENT]

For Petitioner : M/S.A.VIJYASANKAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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 23.04.2022 for the alleged offence under Sections 273, 328 of IPC and 24(1) of Cigarette and other Tobacco Products ACT 2003 in Crime No.183 of 2022 on the file of the respondent police, seeks bail.

2. Totally, there are 4 accused and the petitioner is arrayed as A4. The case of the prosecution is that on 23.04.2022, the petitioner along with other accused were found in illegal possession of packets of Tobacco, which was prohibited by the Government of Tamilnadu.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that A1 and A3 were arrested and released on bail. Hence, he seeks bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that no previous case is pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



5. Taking into consideration of the facts and circumstances of the case and also the fact that A1 and A3 were already released on bail and there is no previous case pending as against the petitioner and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to 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.I, Tiruvannamalai 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 report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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/-
25/05/2022

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.I, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.

4 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.VIJYASANKAR Advocate on payment of necessary
charges SR.No.7840

CRL OP.12422/2022

Date :25/05/2022

CSK 26/05/2022