



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15249 of 2022

WEB COPY

P.Annadurai

.. Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
R-8 Police Station,
Vadapalani,
Chennai
crime No.186 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.186 of 2022 pending investigation on the file of the respondent police.

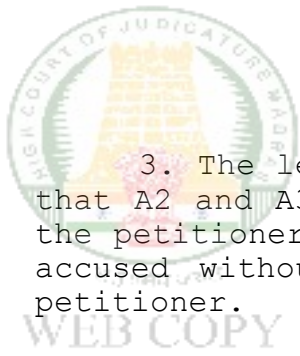
For Petitioner : Mr.A.Manojkumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2022 for the offences punishable under Section 6(a) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in crime No.186 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.06.2022 at about 8.00 a.m., the petitioner and another unloaded an auto bearing registration No.TN 10 BL 1967 before the petitioner's shop, wherein banned tobacco products like HANS, chews weighing 46 kg were found. Hence, the case was registered against them.



3. The learned counsel appearing for the petitioner would submit that A2 and A3 only unloaded the banned tobacco products in front of the petitioner's shop. However, the petitioner has been arrayed as an accused without any reason. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally three accused, in which the petitioner is arrayed as A1, who is the owner of the contraband i.e. Cool lip -1 package containing 47 packets weighing 9 kg, Hans-2 packages 22 kg, RMD Paaku - 20 packets about 1.6 kg, M.Scented - 20 packets weighing 4 kg: totally 46 kg). Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to make non refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Chief Justice Relief Fund, High Court of Madras and on such deposit, 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 blood related sureties, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet at Chennai 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 make non refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Chief Justice Relief Fund, High Court of Madras, and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall stay at Vellore and report before the Inspector of Police, Sathuvachari Police Station, Vellore daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

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

[e] the petitioner shall not tamper with evidence or witness 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/-

04/07/2022

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.XVII, SAIDAPET

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

3 THE INSPECTOR OF POLICE,
R-8 POLICE STATION, VADAPALANI,
CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER
ACCOUNT SECTION
CHIEF JUSTICE RELIEF FUND
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
SATHUVACHARI POLICE STATION, VELLORE

+2 CC to M/S A.MANOJKUMAR Advocate on payment of necessary charges SR.NO.10591

CRL OP.15249/2022

Date :04/07/2022

JPA 04/07/2022