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CrI.O.P.No.28040 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.28040 of 2022

Karthikeyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Timiri Police Station.
Ranipet District.

(Crime No.270/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.270
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2022 for the offences punishable under Sections 328 of IPC and Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Acts, 2003, in Crime No.270 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.09.2022, while the respondent Police and his team were conducting raid in the petitioner's shop and in his house, they found that the petitioner was in possession of 60 kilograms of banned tobacco products. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 13.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prayed for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was in possession of 60 Kilograms of banned tobacco products. He further submitted that there is no previous case as against the petitioner, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - II, Walajapet**, and on further conditions



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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 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.11.2022

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To
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1. The Judicial Magistrate - II,
Walajapet.
2. The Inspector of Police,
Timiri Police Station,
Ranipet District.
3. The Central Prison.
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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