

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17802 of 2019

JAKKIR HUSSAIN

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
GUINDY, CHENNAI.
CR.NO.540 OF 2019

For Petitioner : A.P.SATHYAMURTHY Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.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 22.06.2019 for the offence under Sections 24(1) of Cigarette and Other Tobacco Products Act and 328 IPC in crime No.540 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of banned tobacco products of mawa, hans etc., total packets weighing 157 kgs and selling it to the general public. Hence, the case of registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 22.06.2019. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of banned tobacco products, total packets weighing 157 kgs and selling it to the general public.

5.Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only), by way of

<https://nclservicescourts.gov.in/nclservices/> Demand Draft to the Cancer Institute (WIA), East Canal Bank Road,

Adyar, Chennai 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 sureties, each for a like sum to the satisfaction of the learned IX Metropolitan Magistrate, Saidapet 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/- (Rupees ten thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, 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.

सत्यमेव जयते
-sd/-
08/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO. IX, SAIDAPET, CHENNAI

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL,CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
GUINDY, CHENNAI.

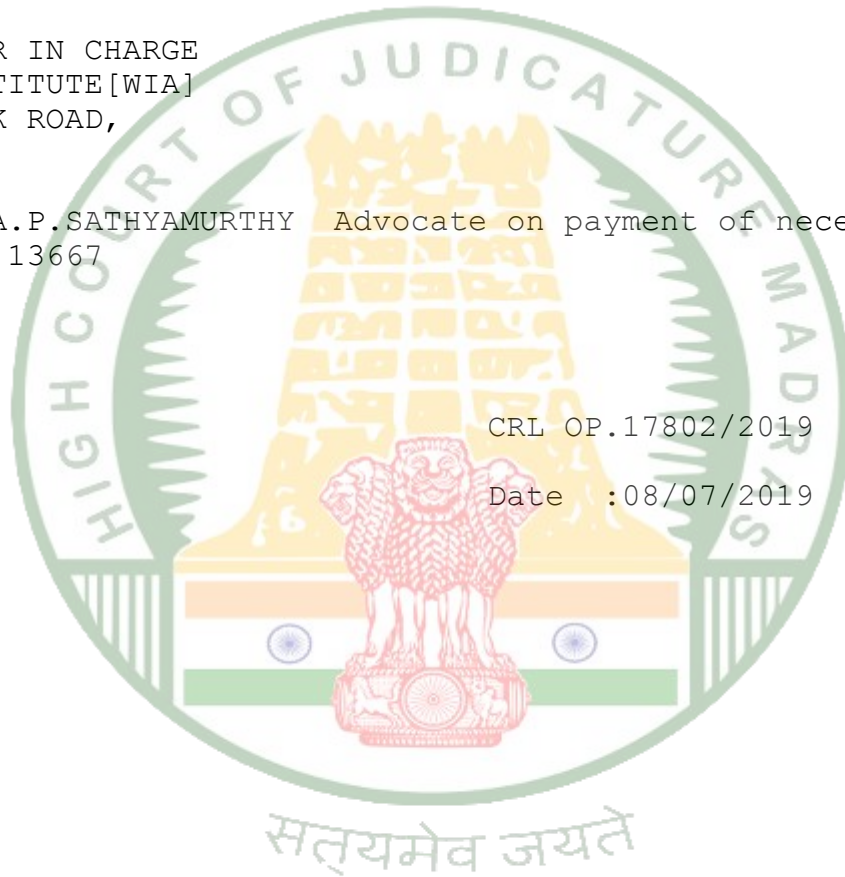
6 THE OFFICER IN CHARGE
THE CANCER INSTITUTE[WIA]
EAST CANAL BANK ROAD,
ADYAR,CHENNAI

+1 CC to A.P.SATHYAMURTHY Advocate on payment of necessary
charges SR.NO. 13667

RD 08/07/2019

CRL OP.17802/2019

Date :08/07/2019



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