

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10407 of 2020

1. Asif Beak @ Afrose
2. Jafar Khan

...Petitioners

..Vs..

State Rep by.

Sub Inspector of Police,
Vellore North L & O Police Station,
Vellore District,
(Crime. No.1128 of 2020).

... Respondent

Prayer : This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioners on bail in Crime No.1128 of 2020 on the file of the respondent police.

For Petitioners : Mr. R.Thirumoorthy

For respondent : Mr. T. Shunmugarajeswaran,
Govt. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 02.06.2020 for the offences punishable under Sections 6(a), 24(1), 7(5) of Cigarette and other Tobacco Products Act 2003 and 273, 328 IPC in Crime No.1128 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found in possession of 225 Kgs of banned tobacco products. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instruction, he would further submit that without prejudice to their defence and contentions, the petitioners are prepared to deposit some considerable amount to any charitable organization or to any Association, and that the petitioners have been suffering incarceration from 02.06.2020. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found in possession of 225 kgs of banned tobacco products. He would further submit that no previous case is pending against these petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to the following conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on condition to deposit a sum of Rs.15,000/- each (Rupees Fifteen Thousand only) to the Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.A/c.No.117201000000070 IFS Code IOBA0001172 CMPRF AAAGC0038F and on such deposit and production of proof and executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners had been confined and thereafter, on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.IV, Vellore, within 15 days from the date of lifting of the lockdown and commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and left thumb impression in the surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity.

(d) the petitioners 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.

(e) the petitioners shall not commit any offences of similar in anture.

(f) the petitioners shall not abscond either during investigation or trial.

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 SCW5560.

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

6. With the above directions, the Criminal Original Petition is ordered.

-sd/-
10/07/2020

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.IV, VELLORE.

2 THE PRINCIPAL SESSIONS JUDGE
VELLORE.

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
VELLORE NORTH L AND O POLICE STATION,
VELLORE DISTRICT.

6 THE CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI 600 009,
S.B.A/C.NO.117201000000070
IFS CODE IOBA0001172 CMPRF AAAGC0038F

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.10407/2020

Date :10/07/2020