

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6059 of 2021

1. J.Aslam  
2. S.Ibrahim

... Petitioners

Vs.

State rep. by  
The Inspector of Police,  
T-16 Nasartpet Police Station,  
Ambattur, Chennai.  
(Crime No.30/2021)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.30 of 2021 on the file of the respondent Police.

For Petitioner : Mr.K.Bommuraj

For Respondent : Mrs.M. Prabhavathi,  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

Totally, there are three accused and the petitioners are arrayed as A1 and A2. The petitioners, who were arrested and remanded to judicial custody on 26.02.2021 for the offence punishable under Sections 328 of I.P.C. and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.30 of 2021, seek bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners were found in possession of 8 nos. of white gunny bag 11500 hans packet and in 4 nos. plastic bag, 6200 vimal panmasala packets and in 4 nos. plastic bags, there were 6200 V-1 tobacco packets and in all weighting 141 kgs of banned substances. Hence, a criminal case has been registered, and the petitioners were arrested and remanded to judicial custody on 26.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons and they were implicated

as A1 and A2. He would submit that they have been falsely implicated in this case. He would submit that the petitioner is in jail for nearly one month and the investigation is almost completed. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in possession of huge quantity of banned tobacco products, and the contraband have been seized from A1. She would submit that the investigation is almost over and there is no previous antecedents against the petitioners. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, there is no bad antecedents against the petitioners, investigation is almost over and also considering the period of incarceration suffered by the petitioners for nearly one month, 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 execute 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, Poonamallee, Chennai**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioners, after their release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders;**

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

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

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

-sd/-  
26/03/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
T-16, NASARTPET POLICE STATION,  
AMBATTUR, CHENNAI.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI.

+2 CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges SR.NO.4085

CRL OP.6059/2021

Date :26/03/2021

TA-29/03/2021