



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19343 of 2021

Ibrahim

... Petitioner

Vs.

The State rep.by  
The Inspector of Police,  
Peralam Police Station,  
Thiruvarur District.  
(Crime No.992 of 2021)

... Respondent

**PRAYER:** Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Cr.No.992 of 2021 on the file of the Peralam Police Station, Thiruvarur.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.L.Baskaran  
Government Advocate(Crl.Side)

### ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2021, by the respondent police for the offences under Section 279, 328 IPC r/w. 20(1) of Cigarettes and other Tobacco Products Act, 2003, seeks bail.

2. The case of the prosecution is that the petitioner / A4 along with other accused had possessed 100 pockets which contains 60 k.g., of Hans in 9 block sacks, 50 pockets which contains 252 kg., of Hans in 12 white sacks, totally 612 kg., Hans Pockets. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is innocent of the said commission of offence and he has been falsely implicated in this case. The learned counsel for the petitioner submitted that inadvertently Section 7 was not inserted in the petition and expresses apologize for the same. He has filed a memo to that effect through chat box and the said memo has been accepted. The order of this Court shall contain the said provision.



4. The learned Government Advocate (Crl.Side) submitted that the investigation is still at the initial stage and the petitioner may be released on a bail with stringent conditions. There is no previous case pending against the petitioner.

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5. Considering the health condition of the petitioner and further since there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with conditions. Accordingly, the petitioner is ordered to be released on bail on execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif-Judicial Magistrate, Nannilam and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or voter identity card or driving license or pan card or Bank pass Book to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]**; and;

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

-sd/-  
12/10/2021

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

TRUE COPY



TO

1. THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PERALAM POLICE STATION,  
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE  
SUB JAIL, NAGAPATTINAM.

+1 CC to M/S. L.RAMU Advocate on payment of necessary charges  
SR.NO.11411

CRL OP.19343/2021

Date :12/10/2021

TA-13/10/2021