



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1368 of 2022

Mohammed Moideen

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Sooramangalam Police Station,
Salem
(Crime No.1026 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail for the petitioner herein in Crime No.1026 of 2021 on the file of the respondent.

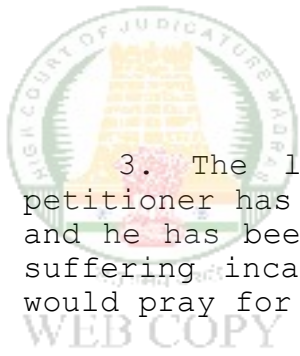
For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.GokulaKrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.12.2021 for the offences under Sections 273, 328, 511 IPC r/w 57, 59 Food Safety and Standard Act and 77 the Juvenile Justice (Care and Protection of Children) Act 2015 r/w 6, 24(1) Cigarette and other Tobacco Products Act 2003 in Crime No.1026 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police was on regular patrol, they found that the petitioner was in illegal possession of 30 contraband hans packets and 4 coolip packets. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 25 days from 26.12.2021. He would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner was in illegal possession of 30 hans packets worth about rupees nine hundred and there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Salem within 15 days from the date of commencement of the Court's normal functioning, 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 surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

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

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;



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

WEB COPY

-sd/-
24/01/2022

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.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM

4 THE SUPERINTENDENT,
AATHUR PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.1368/2022

Date :24/01/2022

JPA 25/01/2022