



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5916 of 2022

Hidayathullah

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.
(Crime No.36 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.36 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.P.Meenakshi Sundharam

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 03.03.2022 for the offences punishable under Sections 24(1) Cigarette and Tobacco Products Act 2003 read with Section 328 of IPC in Crime No.36 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner was arrested on 03.03.2022 for the illegal possession illegal 52 bundles of prohibited tobacco worth about Rs.7,200/-.

3.Learned Additional Public Prosecutor for the respondent submitted that there is no previous case against this petitioner.

4. Taking into consideration the period of incarceration and the quantity of contraband recovered from the petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;



(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchengode.

(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 petitioner is directed to appear before the Investigating Officer daily at 10.30 a.m. until further orders;

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

(e) 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 SCW 5560];

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

-sd/-

28/03/2022

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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]



3 THE OFFICER INCHARGE,
SUB JAIL, NAMAKKAL.

4 THE INSPECTOR OF POLICE,
MALLASAMUDRAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges SR.NO. 4589

CRL OP.5916/2022

Date :28/03/2022

RW 28/03/2022