



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.11116 of 2022

J.Shahabtheen

.. Petitioner

Vs.

The State,
Rep by its, The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.217 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.217 of 2022 on the file of respondent police.

For Petitioner : Mr. K.Myilsamy

For Respondent : Mr.A.Gopinath
Government Advocate (crl.side)

O R D E R

The petitioner, was arrested and remanded to judicial custody on 20.04.2022 on the file of the respondent police in Crime No.217 of 2022, for the alleged offences punishable under Sections 273, 328 of IPC and 7(1), 20(1) of Cigarette and other tobacco products Acts 2003, seeks bail.

2. The case of the prosecution is that the petitioner had involved in the business of selling tobacco product which was prohibited by the Government of Tamil Nadu and the same was seized by the respondent police. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and he has been suffering incarceration from 20.04.2022. Hence, he prays for grant of bail.



4. Learned Government Advocate (Crl. Side) would vehemently oppose for grant of bail stating that the petitioner was in possession of banned tobacco products to the tune of 83.575 Kilograms worth about Rs.39,000/- and the same was seized by the respondent police. He would further submit that there is no previous case pending against the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and considering the value of the contraband, this Court is inclined to grant bail to the petitioner subject to the following conditions;

(a) The petitioner is ordered to be released on bail on condition that 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 No.I, Udumalpet;

(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 report before the respondent police once in two weeks 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/-

12/05/2022

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. I, UDUMALPET.

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

3 THE OFFICER INCHARGE,
SUB JAIL, UDUMALPET.

4 THE INSPECTOR OF POLICE
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.MYILSAMY Advocate on payment of necessary charges
SR.NO. 7024

CRL OP.11116/2022

Date :12/05/2022

RW 12/05/2022