



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14021 of 2022

1 M.JAFFER SADHIQ

[PETITIONERS / ACCUSED]

2 MOHAMMED PAKKIR @ BAKKIR MOHAMMED

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
UKKADAM POLICE STATION,
COIMBATORE.
CRIME NO.111 OF 2022,

For Petitioner : M/S.A.NOWFAL Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7(1), 20(1) of Cigarette and Other Tobacco Products Act, 2003 r/w Section 328 of IPC in crime No.111 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 22.05.2022 at about 4.00 hrs, when the respondent police were on patrol duty, they found that the petitioners along with other accused persons were transporting banned tobacco products. Hence, the case was registered against the accused persons.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the petitioners are arrayed as A1 and A3, who along with other accused persons were found in possession of 936 kg of banned tobacco products worth Rs.12,00,000/-. He would further submit that the petitioners are owners of the contraband. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioners is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), as non refundable deposit to the credit of the PUDUCHERRY ADVOCATE WELFARE FUND, A/c. No.7199772117; IFSC No.IDIB000B173, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.V Coimbatore on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.

[b] each of the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), as non refundable deposit to the credit of the PUDUCHERRY ADVOCATE WELFARE FUND, A/c. No.7199772117; IFSC No.IDIB000B173, within a period of four weeks from the date on which the order copy made ready.

[c] the petitioners shall stay at Chennai and report before the Inspector of Police, Nungambakkam Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/06/2022

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.V, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
UKKADAM POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NUNGAMBAKKAM POLICE STATION,
CHENNAI

6 PUDUCHERRY ADVOCATE WELFARE FUND,
A/C.No.7199772117; IFSC No.IDIB000B173

+3 CC to M/S.A.NOWFAL Advocate on payment of necessary charges
SR.NO.9390

CRL OP.14021/2022

Date :17/06/2022

JPA 21/06/2022