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CrI.OP.No.24423 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CrI.OP.No.24423 of 2022

1.Jamalludeen

2.Syed Sulthan Badhusha

...Petitioners

Vs.

State represented by
The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
(Crime No.521 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail in connection with Crime
No.521 of 2022 on the file of the Respondent Police.

For Petitioners :Mr.G.Nirmal Krishnan

For Respondent :Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioners, who were arrested and remanded to judicial custody on 25.09.2022 for the offences punishable under Sections **273, 328 of IPC r/w Sections 7(5) and 20(2) of Cigarette and other Tobacco Products Act 2003** in crime No.521 of 2022 on the file of the Respondent Police, seek bail.

2. The case of the prosecution is that the Petitioners were found in possession of Hans 184 jute bags, Pan Masala consists of Hans Chaap Tobacco 1,30,500 pockets, VI Tobacco 12000 pockets, Cool Lip Filter Tobacco 960 pockets and Vimal Pan Masala 4800 pockets. Hence, the case.

3. The learned Counsel appearing for the Petitioners would submit that a false case has been foisted against them. He would also submit that the Petitioners were arrested and remanded to judicial custody on 25.09.2022. He would further submit that without prejudice, the Petitioners are prepared to deposit a sum of Rs.5,00,000/- jointly to the Government for any welfare purpose. Hence, he prays for grant of bail to the Petitioners.



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4.The learned Additional Public Prosecutor appearing for the Respondent would submit that the Petitioners were found in possession of Hans 184 jute bags, Pan Masala consists of Hans Chaap Tobacco 1,30,500 pockets, VI Tobacco 12000 pockets, Cool Lip Filter Tobacco 960 pockets and Vimal Pan Masala 4800 pockets of contraband worth about Rs.26 lakhs. Hence, he vehemently opposed to grant bail to the Petitioners.

5.Heard the learned Counsel. Considering the facts and circumstances of the case and without prejudice, Petitioners are undertaking to deposit a sum of Rs.5,00,000/- jointly to the Government for any welfare purpose, this Court is inclined to grant bail to the Petitioners.

6. Accordingly, **the Petitioners shall jointly deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as non refundable deposit to the credit of “The Dean/Medical Officer, Government Medical College and Hospital, Tiruvarur District”, and on such deposit each of**



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the Petitioners is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Valangaiman, Thiruvarur District. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned District Munsif cum Judicial Magistrate, Valangaiman, Thiruvarur District, obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioners shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

06.10.2022

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To

1.The District Munsif cum Judicial Magistrate,
Valangaiman, Thiruvavur District.

2.The Inspector of Police,
Valangaiman Police Station,
Thiruvavur District.

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SATHI KUMAR SUKUMARA KURUP., J.

vkr/mpl

3.The Sub Jail, Nanneelam.

4.The Public Prosecutor,
High Court of Madras.

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