



Crl.O.P.No.27760 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27760 of 2022

Mustaq Ahmed

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F3, Nungambakkam Police Station,
Nungambakkam, Chennai.

(Crime No.322 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail, who is arrayed as accused in Crime
No.322 of 2022, arrested and remanded by the respondent Police on
03.11.2022.

For Petitioner : Mr.S.Rajendra Kumar
for Mr.Praveen Purohit

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.11.2022, for the offences punishable under Section 328 IPC and 24(1) of the Cigarette and other Tobacco Products Act, 2003, in Crime No.322 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that under the guise of running a restaurant named Fukrey at Nungambakkam, the accused was running a Hookah Bar on violating the orders passed by the Government. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was working as a Manager in the Fukrey Restaurant and he has been falsely roped in in this case. He would further submit that subsequent to the orders passed by the Government, the restaurant has stopped the Hookah service, whereas, the false complaint has been given as against the petitioner. He would also submit that the petitioner is in custody from 03.11.2022 and he has no bad antecedents. Therefore, he



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prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner under the guise of running a restaurant named Fukrey, was running a Hookah Bar on violating the Government rules and the petitioner is the manager of the same. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XIV Metropolitan Magistrate Court, Egmore, Chennai**, and on further conditions that:

[a] 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] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[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 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



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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 abscond, a fresh FIR
can be registered under Section 229A IPC.

15.11.2022

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To

1. The XIV Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
F3, Nungambakkam Police Station,
Nungambakkam, Chennai.
3. The Central Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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