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Crl.OP.No.29658 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

Crl.OP.No.29658 of 2022

Jamal

...Petitioner

Vs.

State rep by the Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
(Crime No.464 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.464 of 2022 on the file of the Inspector of Police, Gudiyatham Town
Police Station, Gudiyatham, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

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 06.11.2022 for the offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act 2003 read with 328 of IPC in Crime No.464 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the co-accused was found in illegal possession of 2.300 Kgs of banned tobacco products worth about Rs.3,134/-. Hence the case.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would further submit that without prejudice, petitioner is prepared to deposit a sum of Rs.5,000/- to the Government for any welfare purpose and he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the co-accused was found in illegal possession of 2.300 Kgs of banned tobacco products worth about Rs.3,134/-. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non refundable deposit **by way of Demand Draft/RTGS/NEFT** to **“The Dean/Medical Officer, Government Vellore Medical College & Hospital, Vellore”**, and on such deposit, 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



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of learned Judicial Magistrate, Gudiyatham, 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Government Vellore Medical College & Hospital, Vellore" and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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



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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].

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

01.12.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Judicial Magistrate,
Gudiyatham.
- 2.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

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