



Crl.O.P.No.30088 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30088 of 2022

Farooque

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ambur Town Police Station,
Ambur, Thirupathur District.

(Crime No.318/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.318
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Saravanan

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.11.2022 for the alleged offences punishable under Sections 6(a), 24(1) of Cigarette and other Tobacco Products Act r/w Section 328 of IPC in Crime No.318 of 2022, seeks bail.

2. The case of the prosecution is that while the respondent Police and his team were on their routine patrol duty, they found that the petitioner was in illegal possession of 2.700 kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is in custody from 09.11.2022, hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused was in illegal possession of



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2.700 kilograms of banned tobacco products for selling and the respondent has seized the same. He further submitted that there is no previous case as against the petitioner, however, he 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 the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Additional District Munsif cum Judicial Magistrate, Ambur**, and on further conditions that:



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[a] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks;

[d]the petitioner shall not tamper with evidence or witness during trial;

[e]the petitioner shall not abscond during trial;

[f]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 Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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

07.12.2022

vk

To

- 1.The Additional District Munsif cum Judicial Magistrate,
Ambur.
- 2.The Inspector of Police,
Ambur Town Police Station,
Ambur, Thirupathur District.
- 3.The Sub Jail,
Ambur.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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