



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12965 of 2022

1. Fauzan

2. Mohammed Ibrahim

... Petitioners/Accused Nos.1&2

Vs

The State Rep. By,
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.165/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramanathan.An,
Advocate.

For Respondent : Mr. P. Kottaichamy,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.165/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 07.07.2022 for the alleged offences under Sections 7(1) and Section 24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production Supply and Distribution) Act, 2003, r/w. Section 328 IPC, in Crime No.165 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was in routine check up, the petitioners herein were found in possession of 370 kgs of Tobacco products worth about Rs.1,94,000/- in his two wheeler bearing Regn.No.TN 59 AQ 3758. Hence, the complaint.



3.The learned counsel for the petitioners submitted the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to file an undertaking affidavit before the respondent police as well as the Court that he will not indulge in such activities in future. He would further submit that the petitioners are in judicial custody from 07.07.2022.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners are the wholesaler of tobacco products and there is no previous case is pending against these petitioners.

5.Considering the facts and circumstances of this case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are 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 Judicial Magistrate, Melur, Madurai District and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

7. After releasing on bail, the petitioners must file an undertaking affidavit stating that he will not indulge this kind of offence in future before the concerned Magistrate Court and send another copy to the concerned Police Station.

8.If any violation is noticed after filing undertaking affidavit, bail granted by this Court, shall stand automatically cancelled without reference to this Court.

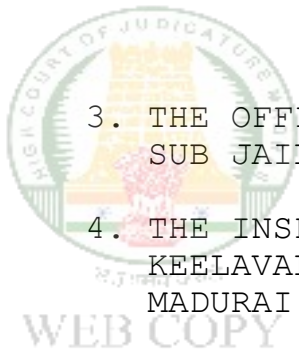
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19/07/2022

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20/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE OFFICER INCHARGE,
SUB JAIL, MELUR, MADURAI.

4. THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-7296[I] dated 19/07/2022)

ORDER

IN

CRL OP(MD) No.12965 of 2022

Date :19/07/2022

trp

USK/JM/SAR-I/20.07.2022/3P/7C