



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22989 of 2022

1. Mohamed Riyaz
2. Abdul Rahim
3. Mohamed Mushin

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District
(Crime No.640 of 2022).

... Respondent/Complainant

For petitioners: M/s.Suresh Kannan.C,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

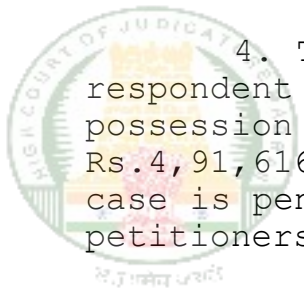
PRAYER :-For Bail in Crime No.640 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 14.12.2022 for the offence punishable under Section 328 IPC r/w. Section 6(a), 6(b), 7(2), 7(5) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No. 640 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners herein and other accused were illegally found in possession of banned tobacco products worth about Rs.4,91,616/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent person and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 14.12.2022 and seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons were in possession of huge quantity of banned Tobacco products worth Rs.4,91,616/-. He further submitted that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to deposit a sum of Rs.1,00,000/- each to the credit of any one of the welfare scheme without prejudice to his contention and seeks bail.

6. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioners are ready and willing to deposit a sum of Rs.1,00,000/- each and that the petitioners are in judicial custody from 14.12.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, and on further conditions that:

(b) petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each as non refundable deposit to the credit of the Dean / Medical Officer, Thanjavur Medical College Hospital, Thanjavur, without prejudice to their rights and contentions before the trial Court.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];



(i) if the accused thereafter abscond, a fresh FIF be registered under Section 229A IPC.



sd/-
23/12/2022

/ TRUE COPY /

23/12/2022

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
BUDALUR POLICE STATION, THANJAVUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN / MEDICAL OFFICER,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR,

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-15516[I] dated
23/12/2022)

ORDER
IN
CRL OP(MD) No.22989 of 2022
Date :23/12/2022

trp
MK/VR/SAR /23.12.2022/3P/8C