



Crl.O.P.No.1717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2023

CORAM :

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

Crl.O.P.No.1717 of 2023

Sadiq,
S/o.Nawab

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur, Thirupathur Dt.
(Crime No.5 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.5 of 2023 on the file of the respondent police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.01.2023 for the alleged offence under Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003 r/w 328 of I.P.C. in Crime No.5 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 06.01.2023, when the defacto complainant and another party were on their patrol duty nearby Thirupathur Town and on search, they found the petitioner was in possession of tobacco products such as Hans 15 kgs. of 310 grams, which is worth about Rs.25,848/- in his shop illegally, which was banned by the State Government. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence and he has not committed any of offence as alleged by the respondent police. He would also submit that he has been falsely implicated in this case and he will abide by any



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condition that may be imposed by this court. He would also submit that the petitioner has been suffering incarceration for more than 20 days from 06.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is sole accused and no previous case pending against him. He would submit that on search, the respondent police found banned Hans 15 kgs. of 310 grams in the petitioner's shop, which is worth about Rs.30,000/-. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and also the fact that no previous cases pending against the petitioner and the investigation is almost completed, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees five thousand only) as non-refundable deposit to the credit of registered Advocates Clerks Association at Thirupathur**, and on such deposit, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate No.I, Thirupathur*, 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 daily at 10.30 a.m. for the period of eight weeks.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take



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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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.01.2023

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To

- 1.The Judicial Magistrate No.I,
Thirupathur.
- 2.The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur, Thirupathur Dt.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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