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Crl.O.P.No.14732 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14732 of 2023

Sadham Hussain

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Pernampet Police Station,
Pernampet, Vellore District.
(Crime No.351 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.351 of 2023 on the file of the Inspector of Police, Pernampet Police Station, Pernambut, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



Crl.O.P.No.14732 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2023 for the offence punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act 2003 r/w 328 of IPC in Crime No.351 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.351 of 2023 for the offence under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act 2003 r/w 328 of IPC. He is falsely implicated in this case and he is in judicial custody from 14.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioner was found with illegal possession of tobacco products such as (i) 840 grams of Vimal Pan Masala (ii) 120 grams of V-1 Tobacco (iii) 2700 grams of Hans (iv) 1020.6 grams of Cool Lip, totally 4680.6 grams valued at Rs.9,361/-. The petitioner has no previous case pending against him. However, he prays for dismissal of this bail petition.



Crl.O.P.No.14732 of 2023

WEB COPY

4. Considering the nature of the offence and facts of the case and that petitioner is found with possession of tobacco products detailed above and that the petitioner is in judicial custody from 14.06.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 of the 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 non-refundable sum of Rs.25,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank



Crl.O.P.No.14732 of 2023

Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily 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 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].



Crl.O.P.No.14732 of 2023

WEB COPY

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

04.07.2023

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To

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



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Crl.O.P.No.14732 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.14732 of 2023

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