



CrI.O.P.No.29057 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.29057 of 2023

Mohammed Farzan
S/o.Sikandar Basha
...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Pernambut Police Station,
Pernambut,
Vellore District.
(Crime No.619 of 2023)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.619 of 2023, on the file of the Inspector of Police, Pernambut Police Station, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



CrI.O.P.No.29057 of 2023

WEB COPY

ORDER

The petitioner seeks bail in Crime No.619 of 2023, registered by the respondent police for the offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act, 2003 r/w Section 328 of I.P.C. He had been arrested and remanded to judicial custody on 13.12.2023.

2. The case of the prosecution is that the petitioner was found in possession of 23.931 kgs. of banned tobacco products.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner was found in possession of 23.931 kgs. of banned tobacco



CrI.O.P.No.29057 of 2023

products. She would further submit that 2 previous cases are pending against the petitioner. Hence, she objected to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 Judicial Magistrate, Gudiyatham, and on further conditions that :-

[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 Gudiyatham Town Police Station daily at 10.00 a.m., until further orders.



CrI.O.P.No.29057 of 2023

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned 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 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].

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

28.12.2023

rsi



Crl.O.P.No.29057 of 2023

WEB COPY

To

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



WEB COPY



Crl.O.P.No.29057 of 2023

P.DHANABAL. J.

rsi

Crl.O.P.No.29057 of 2023

28.12.2023