



WEB COPY



Crl.O.P.No.29098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29098 of 2023

Iqbal @ Mohamed Iqbal
S/o.Mohamed Yusuf

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Avalur Police Station,
Ranipet District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.225 of 2023 on the
file of respondent police pending investigation.

For Petitioner : Mr.N.S.Amarnath
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.225 of 2023 on the file of
respondent police for the offences punishable under Sections 7(5) and
20(2) of Cigarette and other Tobacco Products Act, 2003 r/w Section 328
IPC. The petitioner was arrested and remanded to custody on



CrI.O.P.No.29098 of 2023

02.12.2023.

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2. The case of the prosecution is that the petitioner was in possession of 2.920 kgs. of banned tobacco products.

3. Learned counsel for petitioner submits that the allegation against the petitioner is that he was in possession of banned tobacco products. Learned counsel further submits that the petitioner is an innocent person and he has nothing to do with the alleged offence and he is languishing in jail for more than 26 days.

4. Learned Additional Public Prosecutor submits that petitioner was in possession of banned tobacco products and 2.920 kgs. of banned tobacco products were seized from him. Learned Additional Public Prosecutor further submits that the petitioner is involved in ten other cases of similar nature.

5. Considering the rival submissions on either side and considering the quantity of contraband involved in the case and also considering the period of incarceration, I am inclined to grant bail to the petitioner,



CrI.O.P.No.29098 of 2023

subject to certain conditions.

6. 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 I, Walajahpet, Ranipet District 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the Pallikonda Police Station everyday at 10.30 a.m. for a period of thirty days and thereafter, as and when required before the respondent police.
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [e] 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



Crl.O.P.No.29098 of 2023

WEB COPY

imposed and the petitioner released on bail by the learned

P.DHANABAL, J.

gm/rsi

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];

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

28.12.2023

gm/rsi

To

- 1.The Judicial Magistrate I,
Walajahpet, Ranipet District.
- 2.The Central Prison,
Thorapadi, Vellore District.
- 3.The Inspector of Police,
Avalur Police Station,
Ranipet District.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29098 of 2023