



Crl.O.P.No.5519 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5519 of 2024

Mohammed Nisad

..Petitioner

Vs.

State represented by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore
(Crime No.24 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.24 of 2024 on the file of the respondent police.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2024 for the offences registered by the respondent Police under



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Sections 22(a), 7(2), 5(1)(a) of Cigarette and other Tobacco Products Act and Section 328 of IPC of IPC in Crime No.24 of 2024 on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 65.85 kgs of banned tobacco products.

3.The learned Government Advocate (crl.side) raised one objection stating that the petitioner hails from the State of Kerala.

4.In that regard, the learned counsel for the petitioner filed a memo stating that the wife of the petitioner and also the sister of the petitioner are prepared to stand as sureties for him.

5.The credentials were also examined by the respondent Police.

6.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (out of which, one must be either the wife of the petitioner namely Sabeena or sister of the petitioner namely



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Thasaleema and the same must be tested by the learned Magistrate concerned) each for a like sum to the satisfaction of the learned Judicial Magistrate No.VII, Coimbatore 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 everyday at 10.30 a.m., until further orders.

[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 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].



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

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To

- 1.The Judicial Magistrate No.VII, Coimbatore.
2. The Central Prison, Coimbatore.
- 3.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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