



Crl.O.P.No.11065 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11065 of 2024

Mohammed Ibrahim

...Petitioner

Vs.

State represented by
Sub Inspector of Police,
Omerabad Police Station,
Thirupathur District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.210 of 2024 pending investigation on the file of the respondent.

For petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2024 for the offence under Section 24(1) of Cigarette and Other Tobacco Products Act 2003 and Section 328 of IPC in Crime No.210 of



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2024, seeks bail.

2. When the information received by the respondent police on 11.04.2024, they intercepted the two wheeler of the petitioner bearing registration No.TN 20 BZ 6544 and found that the petitioner was in possession of 150 pockets of Hans. Totally 3 kgs of Hans. Hence the complaint.

3. The learned counsel for the petitioner submitted that the alleged contraband seized falls below the commercial quantity and there is no case against the petitioner in similar nature. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner and other accused persons were found in possession of 3 kilograms of Hans. He also submitted that if the petitioner is released on bail, there is every possibility of absconding. Hence he opposed to grant bail to the petitioner.



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5. Taking into consideration the facts and submissions made by both side counsels and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the contraband involved is in intermediate quantity and the investigation is almost completed, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on 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, Ambur and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m. for a period of three months.

[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.



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[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].

[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, Ambur
2. The Sub Jail, Ambur.
- 3.The Sub Inspector of Police,
Omerabad Police Station,
Thirupathur District.
- 4.The Public Prosecutor, High Court of Madras.

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