



CRL OP(MD). No.4420 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Jahir Hussain

... Petitioner/Sole Accused

Vs

The State Represented by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(In Crime No.66 of 2024)

... Respondent/Complainant

For petitioner : Mr.D.Venkatesh
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.66 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



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custody on 10.03.2024 for the offences under Section 24(1) of the Cigarette and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.66 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 10.03.2024, the petitioner was found in illegal possession of banned tobacco products and on enquiry, he stated that he purchased the tobacco products from unknown persons for selling the same to the children. Thereby, he was arrested with tobacco products and Rs.720/- cash and remanded to judicial custody on the same day itself. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. The petitioner did not commit any allegations as alleged by the prosecution. However, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the credit of the **Dean, Government Hospital, Tenkasi, Tenkasi District**, for making facilities to the in-patients of the said hospital, without prejudice to his defence before the trial Court.



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4. The learned Additional Public Prosecutor submitted that the petitioner was found in illegal possession of 975 grams of banned tobacco products. Further, the petitioner is having one previous case in similar nature. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the quantity of the tobacco products seized from the petitioner, this Court is inclined to grant bail to the petitioner with 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, Tenkasi**, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** to the **Dean, Government Hospital, Tenkasi, Tenkasi District, for making facilities to the in-patients of the said hospital**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



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(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 is directed to appear before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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]*; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
20/03/2024

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20/03/2024
Sub-Assistant Registrar(AD II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE DEAN,
GOVERNMENT HOSPITAL,
TENKASI, TENKASI DISTRICT



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ORDER
IN
CRL OP(MD) No.4420 of 2024
Date :20/03/2024

SS/SAR- /20/03/2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023