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Crl.O.P.No.2964 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2964 of 2025

Mohamed Jafar Sadhiq
S/o. Mohamed Athik Moosa

...Petitioner/Accused-1

Vs.

State through
The Inspector of Police,
B1-Bazaar Police Station,
Coimbatore District.

(Crime No.20 of 2025)

...Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.20 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.01.2025, seeking bail



in Crime No.20 of 2025 registered for the offence under Sections 6(b), 24(1), 7(1), 20(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of BNS and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015.

2.The case of the prosecution is that the petitioner, along with other accused, was found to be in illegal possession of 765 Kgs of banned tobacco products. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 21.01.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. He further submitted that co-accused in this case was released on bail. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner was found to be in illegal possession of 765



Kgs of banned tobacco products to the tune of Rs.60,000/-. He further submitted that the petitioner has one previous case similar in nature.

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5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the nature of allegations; period of incarceration; co-accused has been released on bail and that custodial interrogation of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate Court – V, 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;

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[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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered
under Section 269 B.N.S.

06.02.2025

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Copy to:

1.The Inspector of Police,
B1-Bazaar Police Station,
Coimbatore District.



2.The Superintendent of Prison,
Central Prison, Coimbatore.

3.The Judicial Magistrate Court – V, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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