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CrI.OP.No.18260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.18260 of 2022

Rabindra Kumar Majhi

..Petitioner

Vs.

State Rep. by
The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.
(Crime No.151 / 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.151/2022
pending on the file of the respondent.

For Petitioner : Mr.M.Ganesh Babu

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 16.07.2022 for the offence under Section 328 of IPC and



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20(2) of Cigarette and Other Tobacco Products Act 2003 in crime No.151 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 17 Kgs of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 16.07.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that petitioner was found in possession of 17 Kgs of banned tobacco products. He would further submit that there is one previous case of similar nature pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant



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bail to the petitioner. Accordingly, the petitioner shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, and on such deposit 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 IX M.M. Saidapet, Chennai** 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 deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall stay at Vellore and report before the **Inspector of Police, Sathuvachari Police Station** twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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].

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

03.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The IX M.M. Saidapet, Chennai.
- 2.The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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