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Crl.O.P.No.29967 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

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

Crl.O.P.No.29967 of 2022

Prabakaran

...Petitioner

Vs.

State Rep by:
Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No.283 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner/Accused in Crime No.283/2022 on
the file of the respondent Police pending investigation.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.11.2022 for the offences punishable under **Section 273, 328 of IPC and Section 77 of Juvenile Justice (Care and Protection of Children) Act 2015, Section 24(1) of COTPA Act, 2003 and Section 4(1)(a), 4(1-A) of TNP Act** in Crime No.283 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of 13 kgs of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that apart from this case, there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.



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5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to make non refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** each to the credit of **CHENNAPURI ANNADANA SAMAJAM No.13/76, Nyniappa Naicken Street, Park Town, Chennai - 600 003. Ph.No.044 2535 4848 (Account Details : State Bank of India, Account No. 31109660330 Branch : Park Town, IFSC Code : SBIN0001856** and on such deposit, the petitioner is ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate-III, Salem** 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.



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[b] the petitioner shall make non refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of **CHENNAPURI ANNADANA SAMAJAM No.13/76, Nyniappa Naicken Street, Park Town, Chennai - 600 003. Ph.No.044 2535 4848 (Account Details : State Bank of India, Account No. 31109660330 Branch : Park Town, IFSC Code : SBIN0001856**, and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[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



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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.

02.12.2022

sma

To

1. The Judicial Magistrate-III,
Salem
2. The Inspector of Police,
Shevapet Police Station,
Salem District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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