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Crl.O.P.No.11283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11283 of 2023

Salim

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
(Crime No.170 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail pending investigation in Crime
No.170 of 2023 on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.04.2023, in connection with Crime No.170 of 2023 registered for the
offence punishable under Sections 273, 328 r/w 511 of IPC and Section 6(b)
r/w 24(1) of the Cigarettes and other Tobacco Products Act 2003, seeks bail.



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2.The case of the prosecution is that on 27.04.2023, when the respondent police was on regular vehicle checkup, they found the petitioner along with other accused persons was found in illegal possession of 2355 Hans packets and 636 cool lip packets worth about Rs.32,000/-. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 27.04.2023. On instructions, he would further submit that the petitioner without prejudice to his right, is ready to deposit an amount of Rs.10,000/- to the District Educational Officer, Thiruvallur District and hence he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally three accused in this case and the petitioner herein is arrayed as A1. He further submits that the petitioner along with other accused persons was found in illegal possession of 2355



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Hans packets and 636 cool lip packets worth about Rs.32,000/-. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the District Educational Officer, Thiruvallur District and the petitioner has not having any bad antecedents, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of the **District Educational Officer, Panchayat Union Middle School, Vengathur Village, Manavalanagar Post, Thiruvallur District**, and on such deposit the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Cheyyar**, and on further conditions that:



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[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 daily at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

18.05.2023

Vv/drl



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To

1. The Judicial Magistrate,
Cheyyar.
2. The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
3. The Superintendent, Central Prison,
Vellore.
4. The District Educational Officer,
Thiruvallur District
5. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Vv/drl

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