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Crl.OP.No.11810 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11810 of 2023

Dilli Babu

... Petitioner

Vs.

State rep By
Inspector of Police,
C-2, Periyapalayam Police Station,
Tiruvallur.
(Crime No.342 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Accused/Petitioner on bail in C2, P.S Crime No.342 of
2023 on the file of the respondent police .

For Petitioner : Mr.B.Ramesh Babu

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 16.03.2023 for the offences punishable under Sections 272, 273, 328 of IPC and Section 6 and 24(1) of COTPA Act 2003 in Crime No.342 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that when the respondent police was on regular patrol, they found that the petitioner along with other accused found to be in possession of 4831 pieces of various types of banned tobacco products worth about 19,000/-. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit 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 been falsely implicated in this case. He would submit that without prejudice his rights, he is ready and willing to deposit some amount to the credit of Crime number. He would submit that Petitioner is in judicial custody from 16.03.2023. Therefore, he prays for grant of bail to the Petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the Respondent would vehemently oppose to grant bail by stating the petitioner along with other accused found to be in possession of 4831 pieces of various types of banned tobacco products worth about 19,222/- and the same were seized.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the petitioner and the petitioner shall come forward to deposit some amount to the credit of Crime number without prejudice to his rights, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.342 of 2023 and on such deposit, the petitioner is ordered to be released on bail



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on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Uthukottai** and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the respondent police daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

24.05.2023

Vv/ham

To

1. The Judicial Magistrate,
Uthukottai.
2. The Inspector of Police,
C-2, Periyapalayam Police Station,
Tiruvallur.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Vv/ham

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