



Crl.OP.No.12029 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12029 of 2023

Manoj Kumar

... Petitioner

Vs.

State Rep. by its
The Inspector of Police,
F 3 Nungambakkam Police Station,
Chennai.
(Crime No.82 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in the above Crime No.82 of 2023
on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

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



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Crl.OP.No.12029 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.05.2023 for the offences punishable under Section 328 of I.P.C. and 24(1) of Cigarette and other Tobacco Products Acts 2003 in Crime No.82 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products like Hans - 300 g (99 packets), Vimal - 132 grams (131 packets), V1 - 28.61 grams (14 packets). Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that the petitioner was found in illegal possession of banned tobacco products like Hans - 300 g (99 packets), Vimal - 132



Crl.OP.No.12029 of 2023

grams (131 packets), V1 - 28.61 grams (14 packets). He would further submit that there are three previous cases pending against the petitioner. Hence, he vehemently opposed the grant of bail to the petitioner.

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, 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 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 XIV Metropolitan Magistrate, Egmore, and on further condition that:



Crl.OP.No.12029 of 2023

(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 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;

(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



Crl.OP.No.12029 of 2023

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.

25.05.2023

Mpl/Jeni

To

1. The XIV Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
F 3 Nungambakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.12029 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

Crl.O.P.No.12029 of 2023

25.05.2023