



Crl.O.P.No.16835 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16835 of 2023

Balaji

...Petitioner

Vs.

State rep by the Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
(Crime No.317 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in crime No.317 of 2023 on the file of the Inspector of Police, Gudiyatham Town Police Station, Gudiyatham, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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grams (30 packets) and Cool Lip – 642 grams (6 packets), at about 12.00 noon, on 30.06.2023, near Om Sakthi Bunk at Gudiyatham Bodipettai. The tobacco product was seized. There is no similar previous case pending against the petitioner.

4. Considering the nature of the allegations made against the petitioner, and that the tobacco product was seized and that there is no similar previous case against the petitioner and that, the petitioner is in judicial custody from 30.06.2023, this Court is inclined to grant bail to the petitioner and 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, Gudiyatham** 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 without prejudice to his defence shall deposit a non-refundable sum of



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Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[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



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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.

28.07.2023

mpl

To

- 1.The Judicial Magistrate,
Gudiyatham.
- 2.The Central Prison,
Vellore.
- 3.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

mpl

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