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CrI.OP.No.23085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23085 of 2023

Ambaresh
S/o.Muniraj

...Petitioner/A1

Vs.

State represented by its
Inspector of Police,
Karuppur Police Station,
Salem District.

(Crime No.595 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail relating to Crime No. 595 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2023 for the offences punishable under Sections 273, 328 IPC r/w Sec.6(b) & 24(1) of COTPA Act, 2003 in Crime No.595 of 2023 on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody for nearly about 52 days and prays for grant of bail to the petitioner.

3.The learned Government Advocate (Crl.Side) submitted that petitioner was found in possession of 242.625 Kgs of banned tobacco products in Maruthi Suzuki vehicle, bearing registration No.TN01 AJ 5078 and petitioner has one previous case pending against him. Thus, he prays for grant of bail to the petitioner.

4.Considering the facts and circumstances of this case, this Court is inclined to grant bail to the petitioner subject to the payment of **Rs.40,000/- (Rupees Forty Thousand Only) by the petitioner, to the credit of the Dean, Government Hospital, Krishnagiri.** Accordingly, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties,



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each for a like sum to the satisfaction of the **learned Sessions Judge at 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.

[b] the petitioner shall report before the respondent police everyday at 10.30.a.m., until further orders and two sureties.

[c] The petitioner is directed to pay a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the credit of the Dean, Government Hospital, Krishnagiri.

[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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

09.10.2023

mkn2/sli

To

- 1.The Sessions Judge,
Salem.
- 2.The Central Prison,
Salem.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.595 of 2023)



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C.V.KARTHIKEYAN. J.

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