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Crl.O.P.No.22592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

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

**Crl.OP.No.22592 of 2023**

1.Abbas Ali (A1)  
2.Arunkumar (A2)  
3.Jithendar Singh (A4)

...Petitioners

Vs.

State represented by its  
Station House Officer,  
Chidambaram Town Police station,  
Chidambaram,  
Cuddalore District.  
(Crime No.260 of 2023)

...Respondent

**PRAYER:** Criminal Original Petitions has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.260 of 2023 on the file of the respondent police.

For Petitioners : Mr.M.Bhoopathy Rajan

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



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### **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 07.08.2023 for the offences punishable under Sections 273 and 328 of IPC r/w Section 20(2) of the Cigarette and other Tobacco Products Act, 2003, and Section 77 of the Care and Protection of Children Act, in Crime No.260 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of two bags of Hans packet worth about Rs.12,000/-. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that co-accused has been granted bail by this Court in Crl.O.P.No.22105 of 2023. He further submitted that the petitioners are ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) stated that the petitioners were found in possession of two bags of Hans to the worth of Rs.12,000/-. He further stated that the 1st accused was originally arrested and based on the confession statement of the arrested accused, these petitioners were implicated in this case. Hence, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances and the period of incarceration by the petitioners from 07.08.2023, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each, to the credit of Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, payable at Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B Account No.11720 10000 00070, IFS Code**



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**IOBA0001172, CMPRF PAN: AAAGC0038F** and on receipt of such payment, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate concerned, 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 petitioners shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** each, to the credit of **Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, payable at Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F.**

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

[d] the petitioners shall not abscond either during investigation or trial.



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[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

**03.10.2023**

mps/ata

To

1. The Judicial Magistrate No.II,  
Chidambaram.

2. Central Prison,  
Cuddalore.

3. The Public Prosecutor,  
High Court of Madras.

**C.V.KARTHIKEYAN. J.**



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