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CrI.OP.No.23533 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

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

CrI.OP.No.23533 of 2023

Jaiganesh

...Petitioner

Vs.

State by
Inspector of Police,
Walajahpet Police Station,
Ranipet District.
(Crime No.414 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail as against the case pending on the file of the Respondent police in Crime No.414 of 2023.

For Petitioner : Ms.S.P.Arthi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2023 for the offence punishable under Sections 7(5), 20(2) of



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Cigarette and other Tobacco Products Act, 2003 r/w 328 of IPC in Crime No.414 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the petitioner was travelling in a vehicle bearing registration No.TN 23 DB 9561, he was found in possession of 5 bags of Hans each bag containing 750 numbers of banned tobacco products.

3.It is stated that there is no previous case pending against the petitioner.

4.Taking into consideration all the factors and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Walaja 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



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Bank pass Book to ensure their identity.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 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].

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

12.10.2023

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To

1.The Judicial Magistrate-II, Walajah.

2.The Central Jail, Vellore.



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3.Inspector of Police,
Walajahpet Police Station,
Ranipet District.

4.The Public Prosecutor,
High Court of Madras.

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