



WEB COPY



Crl.OP.No.23686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

Crl.OP.No.23686 of 2023

Vishnukumar

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore City.
(Crime No.57 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.57 of
2023 pending on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.10.2023 for the offences punishable under Section 328 of IPC r/w 24(1) of COTPA Act, in Crime No.57 of 2023 on the file of the respondent police, seeks bail.

2. It is stated that the petitioner had been in possession of 58 kgs of banned tobacco products.

3. It is also stated that there are three previous cases pending against the petitioner herein but however, taking into consideration the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

4. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** directly to the credit of **"The Dean/Medical Officer, Government General Hospital, Coimbatore"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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-1,



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Coimbatore, 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 daily Morning at 10.30 a.m., and Evening at 5.30 p.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.

30.10.2023

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C.V.KARTHIKEYAN. J.

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To

- 1.The Judicial Magistrate-1, Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore City.
- 4.The Public Prosecutor,
High Court of Madras.

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