



Crl.O.P.No.24677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

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

Crl.O.P.No.24677 of 2023

Amjath S/o. Thuraf

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham,
Vellore District.

(Crime No.613 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.613 of
2023 on the file of the respondent police with terms and conditions.

For Petitioner : Mr.A.Vijayakumar

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



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Crl.O.P.No.24677 of 2023

ORDER

The petitioner seeks bail in Crime No.613 of 2023, registered by the respondent police for the offences punishable under Sections 7(5) & 20(2) of COTPA Act, 2003, r/w Section 328 of IPC. The petitioner had been taken into custody on 08.10.2023.

2.It is stated that the petitioner had transported 19.560 kgs of tobacco products and the products had been seized. The value of the said tobacco product seized is about Rs.34,000/-.

3.Taking into consideration the period of incarceration, 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.15,000/- (Rupees Fifteen Thousand only) to the credit of the Dean/Medical Officer, Government General Hospital, Vellore, and the said amount may be used for needy patients,** 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 Judicial Magistrate Court, Gudiyatham, and on further conditions



Crl.O.P.No.24677 of 2023

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.

[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.

08.11.2023

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C.V.KARTHIKEYAN. J.

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Crl.O.P.No.24677 of 2023

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To

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

Crl.O.P.No.24677 of 2023

08.11.2023