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Crl.O.P.No.24809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2023

CORAM

THE HON'BLE **MRS.JUSTICE R.KALAIMATHI**

Crl.O.P.No.24809 of 2023

Syed Mohamed

...Petitioner

Vs.

The State by,
The Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai.
(Crime No.358 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.358 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.S. Ramesh

For Respondent : Mr.S.Balaji
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.09.2023 for the offences punishable under Sections 7, 20(1) of the Cigarettes and other Tobacco Products Act, 2003 and Section 328 of I.P.C in Crime No.358 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has falsely implicated in this case. He is in judicial custody from 19.09.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioner was found to be in possession of 50 kgs of kutka which is a banned tobacco products worth about Rs.1,00,000/-. He further submitted that one previous case is pending against the petitioner. Therefore, he prays for dismissal of this bail petition.



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4. Considering the fact that, tobacco products have been recovered from the petitioner and that petitioner is in judicial custody from 19.09.2023 and the fact that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **XVIII Metropolitan Magistrate, Saidapet**, 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 without prejudice to their defence shall deposit a non-refundable sum of **Rs.15,000/-**, by way of Demand Draft to the



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Government Rehabilitation Home for Leprosy Cured, Deviyakurichi, Salem District. Account Name AO, Government Rehabilitation Home. A/c No. 542231612, Indian Bank, Talaivasal Branch, IFSC Code IDIB000T002 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

[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



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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].

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

26.10.2023

smn/vca

To

- 1.The **XVIII Metropolitan Magistrate, Saidapet,**
- 2.The Central Prison,
Chennai.
- 3.The Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai..

R.KALAIMATHI, J.



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4.The Public Prosecutor,
High Court of Madras

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