



Crl.O.P.No.25382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

Crl.O.P.No.25382 of 2023

Elango S/o. Murugesan

... Petitioner/ Accused

Vs.

The State rep by
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

(Crime No.237 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail in Crime No.237 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Ranjith Kumar

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



WEB COPY



Crl.O.P.No.25382 of 2023

ORDER

The petitioner seeks bail in Crime No.237 of 2023, registered by the respondent police for the offences punishable under Section 328 of IPC r/w 24(1) of COTPA Act. The petitioner had been taken into custody on 12.10.2023 with possession of 34.500 Kgs of banned tobacco products. The banned tobacco products had been seized.

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

3.Taking into consideration the period of incarceration undergone by the petitioner and all other factors, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 XVII Metropolitan Magistrate, Saidapet, Chennai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



CrI.O.P.No.25382 of 2023

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.

17.11.2023

ata

C.V.KARTHIKEYAN. J.

ata



Crl.O.P.No.25382 of 2023

WEB COPY

To

- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.25382 of 2023

17.11.2023