



Crl.O.P.Nos.25682 & 26127 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

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

Crl.O.P.Nos.25682 & 26127 of 2023

1.V.Ponraj S/o. Vaithiyalingam

2.G.Jaikumar S/o. Gunasekar

...Petitioners in
Crl.O.P.No.25682 of 2023

B.Umapathy S/o.Boopathy

...Petitioner in
Crl.O.P.No.26127 of 2023

Vs.

The State rep. by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

(Crime No.612 of 2023)

...Respondent
in both the petitions

Common prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.612 of 2023 on the file of the respondent police on such terms and conditions.

(In Crl.O.P.No.25682 of 2023)

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



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(In Crl.O.P.No.26127 of 2023)

For Petitioner : Mr.P.G.Santhosh Kumar
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

COMMON ORDER

A1 and A2 have filed Crl.O.P.No.25682 of 2023 and A3 has filed Crl.O.P.No.26127 of 2023. Both in Crime No.612 of 2023, registered under Sections 272, 273, 328 of IPC r/w Section 24(1) of COTPA Act, 2003. They had been remanded to judicial custody on 02.11.2023.

2.It is the case of the prosecution that on 02.11.2023, the respondent saw these three accused/petitioners herein with a bag containing banned tobacco substance weighing about 5 kgs. On confession, they had stated that they purchased the said banned tobacco products from A4.

3.The matter came up for consideration originally on 16.11.2023 and on that particular date, this Court wanted to know the whereabouts



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of A4, who was the supplier of the said banned tobacco products. It is now informed that A4 had been secured on 25.11.2023. This Court must place appreciation on the respondent/the Inspector of Police, P-6, Kodungaiyur Police Station, Chennai, for securing A4.

4.Taking all these factors into consideration and the period of incarceration and the quantity of the banned tobacco products seized, I am inclined to grant bail to the petitioners in both the petitions subject to the following conditions:

5.Accordingly, the petitioners in both the petitions are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the X Metropolitan Magistrate, Egmore, Chennai, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.11.2023

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To

1. The X Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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