



Crl.O.P.No.25783 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

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

Crl.O.P.No.25783 of 2023

Badurudeen

.. Petitioner

Vs.

State Rep.by
Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai District.
(Crime No.224 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail pending investigation in Crime
No.224 of 2023 on the file of the Respondent Police.

For Petitioners : Mr.A.Saranraj

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



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ORDER

The petitioner who was arrested and remanded to judicial custody on 19.10.2023 for the offence punishable under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.224 of 2023 on the file of the respondent police, seek bail.

2.It is stated that the petitioner was found in illegal possession of 19.40 Kgms of banned tobacco products, which had been seized. It is also stated that there is no previous case pending against the petitioner.

3.Taking into consideration the facts and circumstances of the case and the period of incarceration and the fact that the banned tobacco products had been seized, this Court is inclined to grant bail to the petitioner subject to the following conditions.

4. Accordingly, the petitioner is ordered to be released on bail on his executing a separate 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 XVII Metropolitan Magistrate, Saidapet and on further conditions that :-



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[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 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.

10.11.2023

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C.V.KARTHIKEYAN, J.

smv

To

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

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