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Crl.O.P.No.25877 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.25877 of 2023

Sekar

.. Petitioner

Vs.

State Rep.by
Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
(Crime No.553 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.553 of 2023 on the file of the Respondent Police.

For Petitioners : Mr.P.Muthamizh Selvakumar

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 23.10.2023 for the offences punishable under Sections 273, 328 of IPC and Sections 6 and 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.553 of 2023 on the file of the respondent police, seek bail.

2.It is stated that in a petty shop at Nallanmangudi, the petitioner was selling prohibited tobacco products and 58 packets of prohibited tobacco products were 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 Principal Sessions Judge, Thiruvarur 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

Smv



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C.V.KARTHIKEYAN, J.

smv

To

1. The Principal Sessions Court, Thiruvarur.
2. Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
3. The District Prison, Thiruvarur
4. The Public Prosecutor,
High Court of Madras.

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