



CrI.O.P.No.27378 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

CrI.O.P.No.27378 of 2023

Mohammed Kassim S/o. Khader Moideen

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai.

(Crime No.724 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.724 of 2023 on the file
of the respondent police on such terms and conditions.

For Petitioner : Mr.B.Ramesh Babu

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



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ORDER

The petitioner is A2 in Crime No.724 of 2023, registered by the respondent police for the offences punishable under Sections 20(1) of COTPA Act, 2003, and Section 328 of IPC. The petitioner had been remanded to custody on 25.10.2023.

2.The learned counsel for the petitioner stated that the petitioner had been in custody from 25.10.2023, on a complaint given by a stranger in the road, who found the accused persons standing with two gunny bags and asked them what was in the gunny bags, when they informed about the contents, he lodged the complaint.

3.It is stated that the contents were banned tobacco products weighing 260 kgs worth of Rs.2,00,000/-.

4.The earlier application seeking bail in Crl.O.P.No.25677 of 2023 was dismissed on 09.11.2023.



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5.It is also stated that A1 has been granted bail but however, A3 and A4 are still absconding. It is however stated that serious steps are being taken to secure A3 and A4.

6.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 Judicial Magistrate, Thiruvottiyur, 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 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Dean, Stanley Government Medical College and Hospital, Chennai, for treatment of needy patients.



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[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 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.

14.12.2023

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To

- 1.The Judicial Magistrate, Thiruvottiyur.
- 2.The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai.
- 3.The Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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