



CrI.OP.No.26845 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

CrI.OP.No.26845 of 2023

Elumalai

...Petitioner

Vs.

State represented by,
The Inspector of Police,
SRMC Police Station,
Chennai.
Crime No.740 of 2023.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.740 of 2023
on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)



CrI.OP.No.26845 of 2023

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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 13.10.2023 for the offence punishable under Sections 328 IPC and r/w 24(1) Cigarette and Other Tobacco Products Acts 2003 in Crime No.740 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 13.10.2023. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3.It is stated that, on 13.10.2023, the respondent had found the 1st accused in possession of 18 kgs of banned tobacco products. Subsequently, on confession, the police went over to this petitioner/the 2nd accused. The 3rd accused had also been taken into custody.

4.It is stated that the 1st and 3rd accused had been granted bail. But the 6th accused, who is the owner of the godown and who supplied banned tobacco products from Karnataka, is still absconding,



Crl.OP.No.26845 of 2023

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5. But however, taking into consideration, the period of incarceration and that similarly placed accused had been granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. 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 learned **Judicial Magistrate No.1, Poonamallee** 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 should pay a sum of Rs.15,000/- in favour of Dean, Government Stanley Hospital, Chennai for usage of treatment for needy patients.

[c] the petitioner shall report before the respondent police everyday at 10.00 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



CrI.OP.No.26845 of 2023

[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.

27.11.2023

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To

1. The Judicial Magistrate No.1, Poonamallee
- 2.The Inspector of Police,
SRMC Police Station,
Chennai.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
Madras High Court.

C.V.KARTHIKEYAN, J.



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Crl.OP.No.26845 of 2023

gd

Crl.OP.No.26845 of 2023

27.11.2023