



CrI.O.P.No.27102 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

**CrI.OP.No.27102 of 2023**

Balakrishnan

...Petitioner

Vs.

State rep. by,  
The Inspector of Police,  
Sulur Police Station,  
Coimbatore District.  
Crime No.758 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.758 of 2023 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi  
For Respondent : Mr.R.Kishore Kumar  
Government Advocate (Criminal side)

**ORDER**

The petitioner seeks bail in Crime No.758 of 2023 registered by the respondent Police for the offences under Section 24 (1) of COTP Act, 2003 r/w 328 IPC.



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2.The petitioner was found in possession of 71.50Kgs of banned tobacco products and remanded to judicial custody on 09.11.2023. There are no previous cases pending against the petitioner herein.

3.Taking all the factors into consideration and the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions.

4. 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, Sulur**, 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 everyday at 10.00 a.m., until further orders.**

**[c] the petitioner shall deposit a non-**



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**refundable sum of Rs.30,000/-, by way of Demand Draft to the Dean, Government General Hospital, Coimbatore, for the treatment of the needy patients and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.**

[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].



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[g] If the accused thereafter absconds, a fresh FIR  
can be registered under Section 229A IPC.

**11.12.2023**

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To

1. The Judicial Magistrate, Sulur.
- 2.The Inspector of Police,  
Sulur Police Station,  
Coimbatore District.  
Crime No.758 of 2023.
- 3.The Central Prison, Coimbatore.
- 4.The Public Prosecutor, Madras High Court.



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**C.V.KARTHIKEYAN, J.**

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