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Crl.O.P.No.27009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

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

Crl.O.P.No.27009 of 2023

1.Ahamed Hussain S/o. Abdul Ajiz Ali

2.Kumaresan S/o. Sankar

... Petitioners/Accused-2 & 3

Vs.

The State represented by
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.

(Crime No.181 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.181 of 2023 on the file
of the respondent police on such terms and conditions.

For Petitioners : Mr.M.Che Castro

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



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ORDER

The petitioners/A2 and A3 seek bail in Crime No.181 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 353, 506(ii) of IPC and Section 24(1) of COTPA Act, 2003.

2.It is the case of the prosecution that on 18.10.2023, the petitioners were found in possession of 53.200 kgs of banned tobacco products.

3.It is stated that the 1st petitioner/A2, who sells the said contraband in a retail market and the 2nd petitioner/A3 is a driver.

4.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioners herein subject to the following conditions:

5.Accordingly, the petitioners are ordered to be released on bail on his executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the VIII Metropolitan Magistrate, George Town, Chennai, and on further conditions that :-



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[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioners shall appear before the respondent police everyday at 10.30 a.m until further orders.

[c] the petitioners shall jointly 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.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

13.12.2023
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C.V.KARTHIKEYAN, J.

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To

- 1.The VIII Metropolitan Magistrate, George Town, Chennai.
- 2.The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.
- 3.The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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