



Crl.O.P.Nos.27097 & 27080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

Crl.OP.Nos.27097 & 27080 of 2023

M.Masoor Ahmed ... Petitioner in Crl.O.P.No.27097 of 2023

Vaseem Ahmed ... Petitioner in Crl.O.P.No.27080 of 2023

Vs.

State represented by,
The Inspector of Police,
F3 Nungambakkam Police Station,
(Crime No.246 of 2023)

...Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.246 of 2023 on the file of the respondent police.

For Petitioners : Mr.M.Madhan Kumar
(in Crl.O.P.No.27097 of 2023)
: Ms.S.Sengkodi (in Crl.O.P.No.27080 of 2023)
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioners/A1 & A2 in Crime No.246 of 2023 registered by the respondent Police for the offences under Sections 328, 506 (i) IPC and Section 24 of COTP Act and remanded to judicial custody on 16.11.2023 seek bail.

2.It is stated that both the accused were found in possession of 80 Kgs of banned tobacco products. There are no previous cases pending against the petitioners herein.

3.Taking all these factors into consideration and considering the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on their 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 **XIV Metropolitan Magistrate, Egmore**,and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b]the petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.20,000/-, each by way of Demand Draft to the Dean, Kilpauk Government Medical College and Hospital, Chennai, 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 petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

[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.



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[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.

08.12.2023

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To

1. The XIV Metropolitan Magistrate, Egmore.
2. The Central Prison - II, Puzhal.
3. The Inspector of Police,
F3 Nungambakkam Police Station,
(Crime No.246 of 2023)
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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