



Crl.O.P.No.27536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

Crl.O.P.No.27536 of 2023

Mahendra Kumar Prajapati
S/o. Ramprathap

... Petitioner/Accused-A1

Vs.

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

(Crime No.203 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.203 of 2023 on the file
of the respondent police on such terms and conditions.

For Petitioner : Mr.M.Illiyas

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



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ORDER

The petitioner/A1 seeks bail in Crime No.203 of 2023, registered by the respondent police for the offences punishable under Sections 6, 24(1) of COTPA Act, 2003, and Sections 273 & 328 of IPC.

2.It is stated that the petitioner was found in possession of 1.900 kgs of banned tobacco products. He has been in custody from 19.11.2023.

3.It is stated that he had purchased the said banned tobacco products from A2, who is now absconding.

4.The learned counsel for the petitioner stated that an anticipatory bail application has been filed by A2.

5.Taking into consideration all these facts and the period of incarceration, I am 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 sureties, each for a like sum to the satisfaction of the VIII Metropolitan Magistrate, G.T, Chennai, and on further conditions that: -



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[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 not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

7.It is also made clear that merely grant of bail to this petitioner would not be a ground to grant anticipatory bail to the other accused.

07.12.2023

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C.V.KARTHIKEYAN, J.

ata

To

1. The VIII Metropolitan Magistrate, G.T, 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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