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CrI.O.P.No.27653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

CrI.OP.No.27653 of 2023

P.Balamurugan

...Petitioner

Vs.

State by,
The Inspector of Police,
K5 Peravallur P.S.
Chennai.

...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.271 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Sai ram
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)

ORDER

The petitioner seeks bail in Crime No.271 of 2023 registered by the respondent Police for the offences under Sections 328 IPC r/w Section 6 (a), 6(b), 24 (1) of COTP Act and Section 77 of Juvenile Justice (care and protection of Children) Act, 2015.



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2.It is stated that the petitioner was found in possession of 8 Kgs of banned tobacco products and remanded to judicial custody on 03.11.2023. There are seven previous cases pending against the petitioner herein. It is clear that the petitioner is a repeated offender.

3. Taking into consideration the period of incarceration suffered by the petitioner and all other surrounding factors, 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 V Metropolitan Magistrate, Chennai**, 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.



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

[c] the petitioner shall deposit a non-refundable sum of Rs.35,000/-, by way of Demand Draft to the Dean, Stanley Medical Hospital, Chennai, for the treatment of the poor 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



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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 V Metropolitan Magistrate, Chennai.
- 2.The Inspector of Police,
K5 Peravallur P.S.
Chennai.
- 3.Puzhal Jail.
- 4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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