



CrI.O.P.No.28488 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

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

CrI.O.P.No.28488 of 2023

Mahendirakumar S/o. Okksanth

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Shevapet Police Station,
Salem City.

(Crime No.1242 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.1242 of
2023 on the file of the respondent police, on such terms and conditions.

For Petitioner : Mr.T.Nixon

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



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ORDER

The petitioner who was arrested and remanded to judicial custody on 22.10.2023, for the offences punishable under Section 328 of IPC and Sections 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.1242 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the respondent found one Karthic near Veeralakshmi School cross road, Karungkalpatty main road, Salem and he was in possession of 40 kgs of banned tobacco products and on his confession, the respondent moved over to the shop of the petitioner, where a further 10 kgs of banned tobacco products have been seized.

3.The learned counsel for the petitioner stated that the petitioner is innocent to the offence.



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4.The learned Government Advocate (Crl. Side) for the respondent stated that there are three previous cases against the petitioner and the total quantity of contraband recovered from the accused is 50 kgs.

5.The earlier application seeking bail in Crl.O.P.No.26909 of 2023 was dismissed on 28.11.2023.

6.The one change in circumstance is that investigation has been practically completed. Taking that factor into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 Judicial Magistrate Court - 3, Salem, 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 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.

20.12.2023

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To

- 1.The Judicial Magistrate Court – 3, Salem.
- 2.The Central Prison, Salem.
- 3.The Inspector of Police,
Shevapet Police Station,
Salem City.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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