



CrI.O.P.No.28287 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

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

CrI.O.P.No.28287 of 2023

N.Kanickairaj S/o. Nagappan

...Petitioner/Accused-3

Vs.

State rep.
The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai-600 039.

(Crime No.431 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.431 of 2023 pending investigation on the file of the Respondent police on such terms and conditions.

For Petitioner : Mr.G.Mohana Krishnan

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



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ORDER

The petitioner/A3 seeks bail in Crime No.431 of 2023, registered by the respondent police for the offences punishable under Sections 272, 273 & 328 of IPC. The petitioner had been taken into custody on 05.11.2023.

2.It is stated that on 04.11.2023, the respondent had taken into custody A1 and A2 with possession of 405 kgs of banned tobacco products. Their application seeking bail had been considered by this Court and it was ordered.

3.It is stated that based on their confession, the present petitioner had been implicated.

4.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 X Metropolitan Magistrate, Egmore, Chennai, and on further conditions that :-

[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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall make a non-refundable deposit of Rs.40,000/- (Rupees Forty Thousand only) to the credit of the Dean, Stanley Government Hospital & Medical College, Chennai, for treatment of needy patients.

[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.



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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 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].

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

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To

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai-600 039.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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