



Crl.O.P.No.28427 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

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

Crl.OP.No.28427 of 2023

Sakadevan

...Petitioner

Vs.

The Inspector of Police,
H – 5 Police Station,
New Washermenpet,
Chennai – 600 081.

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

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

ORDER

The petitioner/A3 seeks bail in Crime No.537 of 2023, registered by the respondent police for the offences punishable under Sections 272, 273 & 328 of IPC and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, and Sections 7 & 9(ii) of Tamil Nadu Prohibition of



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Smoking and Spitting Act, 2003, and Sections 6 & 24(1) of COTPA Act, 2003. He had been remanded to custody on 21.11.2023.

2.It is stated by the learned counsel for the petitioner that the petitioner received consignment from Bangalore and had handed it over to A1. That consignment was banned tobacco products of 57.300 kgs. They had been supplied from Bangalore. It had been transported by a Truck and the petitioner, who was working as Branch Manager at Wall Tax Road Branch, had received the parcel.

3.The earlier application seeking bail was dismissed on 12.12.2023 in Crl.O.P.No.27574 of 2023. One change in circumstances is that A1 and A2 had been granted bail by the Principal Sessions Court. It is also stated that the petitioner, to show his bonafide had also given the address of A4 in Bangalore.

4.The learned Government Advocate (Crl.Side) stated that in that address A4 was not found. But to the extent possible, the petitioner has revealed the details known to him.

5.Taking all the factors into consideration and the period of



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incarceration, this Court is 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 two sureties each for a like sum to the satisfaction of the **XVth Metropolitan Magistrate, George Town, 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.

[b] the petitioner shall report before the respondent Police, daily at 10.00 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.



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[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.

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19.12.2023

To

1. The XVth Metropolitan Magistrate, George Town, Chennai.
- 2.The Inspector of Police,
H – 5 Police Station,
New Washermenpet,
Chennai – 600 081.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.



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