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CrI.O.P.No.28864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

CrI.OP.No.28864 of 2023

Muhamed Ashik

...Petitioner

Vs.

The State rep by its,
The Inspector of Police,
C3, Seven Wells Police Station,
Crime No.189 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.189 of 2023 on the file of the respondent police.

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

ORDER

The petitioner in Crime No.189 of 2023 registered under Sections 328, 353, 506 (i) IPC r/w Section 24 (1) of COTPA Act, 2003 and remanded to judicial custody on 27.11.2023 seeks bail.



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2.The petitioner is a single accused. It is stated that he was found in possession of 13.402 Kgs of banned tobacco products.

3.Taking all the surrounding factors into consideration and the period of incarceration, this Court is 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 **VIII Metropolitan Magistrate, George Town Court**, 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 deposit a non-refundable



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sum of Rs.15,000/-, by way of Demand Draft to the Dean, Stanley Medical Hospital, Chennai, for the treatment of the needy 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 down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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C.V.KARTHIKEYAN, J.

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

sli

22.12.2023

To

1. The VIII Metropolitan Magistrate, George Town Court.

2.The Inspector of Police,
C3, Seven Wells Police Station,
Crime No.189 of 2023.

3.Central Puzhal Prison.

4.The Public Prosecutor, Madras High Court.

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