



Crl.O.P.Nos.28789 & 28799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.OP.Nos.28789 & 28799 of 2023

Kannan @ Kanagalingam ...Petitioner in Crl.O.P.No.28789 of 2023

Sekar ...Petitioner in Crl.O.P.No.28799 of 2023

Vs.

State Represented by
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
Crime No.356 of 2023.

...Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.356 of 2023 on the file of the respondent police.

In both Crl.O.Ps

For Petitioner in
Crl.O.P.No.28789 of 2023 : Mr.M.Premkumar

For Petitioner in
Crl.O.P.No.28799 of 2023 : Mr.J.Anand

For Respondent : Mr.R.Kishore Kumar
in both Crl.OPs. Government Advocate (Crl.Side)



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COMMON ORDER

A1 had filed Crl.O.P.No.28799 of 2023 and A2 had filed Crl.O.P.No.28789 of 2023, both in Crime No.356 of 2023 registered under Sections 272, 273, 328 of IPC and Section 24(1) of COTPA Act, 2003.

2.It is stated that the petitioners were found in possession of 13 Kgs of banned tobacco products. The petitioners had been remanded to judicial custody on 27.11.2023.

3.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions.

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 **XIII Metropolitan Magistrate, Egmore, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.00 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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22.12.2023

C.V.KARTHIKEYAN, J.



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To



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1. The XIII Metropolitan Magistrate Court, Egmore, Chennai.
- 2.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
Crime No.356 of 2023.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, Madras High Court.

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