



Crl.O.P.No.28860 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.No.28860 of 2023

Murugan

...Petitioner

Vs.

State represented by:
The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.
Crime No.309 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.309 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.P.Sathya Murthy
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner/accused in Crime No.309 of 2023 and remanded to judicial custody on 26.11.2023 for the offences punishable under Sections 20 (2) of COTPA Act, 2003 & 328 IPC seeks bail.



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2.It is stated that the petitioner is running a grocery shop. Banned tobacco products weighing 173 Kgs were seized from the petitioner herein. It is also stated that there are no previous cases against the petitioner herein.

3.Taking all the 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 **18th Metropolitan Magistrate, Saidapet**, 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.



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[c] the petitioner shall deposit a non-refundable sum of Rs.30,000/-, by way of Demand Draft to the Dean, Stanley Medical Hospital, Chennai, for the treatment of the poor 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 18th Metropolitan Magistrate, Saidapet.

2.The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.

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3.Central Prison, Puzhal.

4.The Public Prosecutor, Madras High Court.

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