



Crl.O.P.no.28983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.12.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.28983 of 2023

Ramu @ Ramachandran
Son of Govindasamy

... Petitioner

Vs

The State represented by
The Inspector of Police
H-4, Korukkupet Police Station
Chennai District
(Crime No.220 of 2023)

... Respondent

Petition filed under Sec.439 of Cr.P.C to enlarge the petitioners on bail in Crime No.220 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Thulasi Manikandan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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The petitioner seeks bail in Crime No.220 of 2023, registered by the respondent police for the offences punishable under Sections 272, 273, 328 of IPC and Section 6(a) and 24(1) of COTPA Act, 2003, Section 7 read with 9(ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015. The petitioner had been remanded to custody on 10.12.2023.

2.The case of the prosecution is that the petitioner was in possession of 350 pockets of MAVA and was selling near the school premises resulting in the registration of the FIR.

3.The learned counsel appearing for the petitioner would contend that the petitioner is only an auto driver and has not committed any offence as alleged in FIR. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would contend that the petitioner is A1 and A2 is



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absconding and there are nine previous cases against the petitioner.

Hence, she strongly opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record including the First Information Report.

6.Considering the submissions made on either side and also considering the period of incarceration and considering the nature of offences and no previous case is pending against the accused, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 learned XV Metropolitan Magistrate, George Town, Chennai and on further conditions that:

[b] the petitioner shall report before Washermenpet Police Station daily at 10.00 A.M., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.



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[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 Judicial 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.

28.12.2023

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gpa/dpa



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TO

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1. XV Metropolitan Magistrate
George Town, Chennai
2. The Central Prison
Puzhal
3. The Inspector of Police
H-4, Korikkupet Police Station
Chennai District
4. The Additional Public Prosecutor,
Madras High Court,
Chennai.



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