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Crl.O.P.No.29067 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.29067 of 2023

Sreejith @ Srijith
S/o.Sridharan

...Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
G-5, Secretariat Colony P.S.,
Chennai.
(Crime No.265 of 2023)

...Respondent

PRAYER:

Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.265 of 2023 on the
file of respondent police pending investigation.

For Petitioner : Mr.F.Wellington

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



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ORDER

The petitioner seeks bail in Crime No.265 of 2023 on the file of respondent police for the offences punishable under Sections 272, 273, 328 IPC and Sections 6, 24(1) of COTPA Act. The petitioner was arrested and remanded to custody on 24.11.2023.

2. The case of the prosecution is that the petitioner was in possession of 550 kgs. of banned tobacco products.

3. Learned counsel for petitioner submits that the petitioner is arrayed as A1 in this case and the allegation against the petitioner is that he was selling banned tobacco products in his tea stall. Learned counsel submits that based on the confession of petitioner, 550 kgs. of banned tobacco products were seized only from A2. Learned counsel further submits that the petitioner is an innocent person and he has nothing to do with the alleged offence and he is languishing in jail for more than 32 days.



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4. Learned Additional Public Prosecutor submits that petitioner along with other accused was selling banned tobacco products and 550 kgs. of banned tobacco products were seized from them. Learned Additional Public Prosecutor further submits that the petitioner is not involved in any other case.

5. Considering the rival submissions on either side and considering the quantity of contraband involved in the case and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 II 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 obtain a copy of their



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Aadhar cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before the Tiruvallur Town Police Station everyday at 10.30 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;

[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.

28.12.2023

gm/rsi



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To

- 1.The II Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Central Prison-II,
Puzhal, Chennai.
- 3.The Inspector of Police,
G-5, Secretariat Colony P.S.,
Chennai.
Crime No.265/2023
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

gm/rsi

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