



CrI.O.P.No.29026 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.29026 of 2023

1.Murugan

S/o.Mariyappan

2.Arunthunai Selvam

S/o.Murugan

...Petitioners/Accused

Vs.

The State rep. by
The Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai.

(Crime No.524 of 2023)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.524 of 2023 on the file of the Inspector of Police, V-4 Rajamangalam Police Station, Chennai.

For Petitioners : Mr.B.Ganesha Moorthy

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



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ORDER

The petitioners seek bail in Crime No.524 of 2023, registered by the respondent police for the offences punishable under Sections 272, 273, 328 of I.P.C. r/w Section 24(1) of Cigarette and other Tobacco Products Act. They had been arrested and remanded to judicial custody on 10.12.2023.

2. The case of the prosecution is that the petitioners were found in possession of 15 kgs. of banned tobacco products. Hence the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that they are no way connected with the commission of offence. He would further submit that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 and A2 are father and son and they were found in possession of 15 kgs. of banned tobacco products. She would further submit that 1st petitioner



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is having 7 previous cases and 2nd petitioner is having no previous case.

Hence, she objected to grant bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned XIII Metropolitan Magistrate, Egmore, Chennai, and on further conditions that :-

[b] 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.

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

[d] the petitioners shall not commit any offences of similar



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nature.

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

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

28.12.2023

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To

1. The XIII Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL. J.

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