



CrI.O.P.No.29015 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.29015 of 2023

Bommi @ Alagammal
W/o.Kuppuswami

...Petitioner/A-2

Vs.

State by
Inspector of Police,
H-3,Tondiarpet Police Station,
Chennai.
(Crime No.306 of 2023)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.306 of 2023, on the file of respondent.

For Petitioner : Mr.K.P.Rajendran
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.306 of 2023, registered by the respondent police for the offences punishable under Sections 272, 273, 328, 294(a) and 353 of I.P.C. and Section 6(a), 24(1) of Cigarette



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and other Tobacco Products Act, 2003 and Section 7, 9(ii) of the Prohibition Smoking and Spitting Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 . She had been arrested and remanded to judicial custody on 02.11.2023.

2. The case of the prosecution is that the respondent police received a complaint from the de-facto complainant stating that the petitioner along with other accused persons indulged in the illegal sale of banned tobacco products to the general public and students. Based on the complaint given by the de-facto complainant, a case was registered against the petitioner and other accused persons.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and a false case has been foisted against her. He would further submit that already co-accused was enlarged on bail. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that totally there are four accused. The petitioner along with other accused persons indulged in the illegal sale of banned tobacco products to the general public and students. She would further submit that 11 previous cases are pending against the petitioner. She would further submit that the co-accused was already enlarged on bail. However, she objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that already the co-accused was released on bail and also considering the age of the petitioner and the period of incarceration, 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 his executing a bond for a sum of Rs.10,000/- (Rupees



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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 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 petitioner shall report before the respondent Police on every Saturday at 10.00 a.m., until further orders.

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

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

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

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To

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



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P.DHANABAL. J.

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