



WEB COPY



Crl.O.P.No.29036 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.29036 of 2023

Sathish Pandi

... Petitioner

Vs.

The State rep by
The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai.
Crime No.662 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / Accused on bail in Crime No.662 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 29.11.2023 for the offences punishable under Sections 272, 273, 328 of



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IPC in Crime No.662 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused indulged in the illegal sale of banned tobacco products. The total quantity of banned tobacco products involved in this case was 6.600 kgs. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 29.11.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner found in possession of illegal sale of banned tobacco products. The total quantity of banned tobacco products involved in this case was 6.600 kgs. **She further submitted that there are no previous cases pending against the petitioner.** Hence, she opposed for granting of bail to the petitioner.

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

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and the nature of offence and taking note of the fact **that there are no previous**



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cases pending against the petitioner, I am 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 Metropolitan Magistrate-V, Egmore** and on further conditions that:

[b] the petitioner shall report before the respondent police, every Saturday at 10.00 a.m for period of four weeks.

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

[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 Judicial 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].

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

28.12.2023



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smn/shl

To

1. The Metropolitan Magistrate-V,
Egmore.
2. The Inspector of Police,
K10 Koyambedu Police Station
3. The Central Prison, Puzhal-II
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

smn/shl

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