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Crl.O.P.No.662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.662 of 2024

Maharajan
S/o. Sowhdharapandiyan

... Petitioner / A1

Vs.

The State represented by
The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri District.
(Crime No.544 of 2023)

... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.544 of 2023 on the file
of the respondent.

For Petitioner : Mr.V. Sakkarapani

For Respondent : Mr. L. Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 26.12.2023 for the offences punishable under Sections 273 and 328 of IPC and Sections 7 and 20(1) of Cigarette and Other Tobacco Products Act, 2003 and Sections 58 and 59 of Food Safety Act, 2006 in Crime No.544 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner and the other accused who is the Juvenile were found in possession of 360 Kgs of banned Tobacco products, which had been seized.

3.Taking all the factors into consideration and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, but however, **directing the petitioner to deposit an amount of Rs.40,000/- (Rupees Forty Thousand only) as non refundable deposit to the credit of Crime No.544 of 2023 before the learned Judicial Magistrate No.II, Krishnagiri. The said amount may be handed over by the leanred Judicial Magistrate No.II, Krishnagiri, to the Dean, Government General Hospital, Krishnagiri, for treating the needy patients.**



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4. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate No.II, Krishnagiri 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall appear before the respondent police daily 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].



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C.V.KARTHIKEYAN, J.

smv

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

18.01.2024

smv

To

- 1.The Judicial Magistrate No.II, Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri District.
3. The Sub-Jail, Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.

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