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Crl.O.P.No.861 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.861 of 2024

D.Babu
S/o. Deva Dass

... Petitioner / A1

Vs.

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

... Respondent

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

For Petitioner : Mr.A. Venkateshwara Babu

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 26.11.2023 for the offences punishable under Sections 272, 273, 328 of IPC and Section 6(a), 24(1) of COTP Act and Sections 7 and 9(ii) of TNPSS Act and Section 77 of J.J., Act and subsequently altered to Sections 272, 273, 328, 294(a), 353 of IPC and Section 6(a), 24(1) of COTP Act, 2003 and Sections 7 and 9(ii) of TNPSS Act, 2023 and Section 77 of J.J., Act 2015 in Crime No.306 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner is a contract employee in the Chennai Corporation. It is stated that the petitioner and other accused were found in possession of 23.120 Kgs of banned tobacco products, which had been seized. It is stated that A2 and A4 had been granted bail and A3 had been detained under the Tamil Nadu Act 14 of 1982.

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 a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of Crime No.306 of 2023 before the learned XV**



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Metropolitan Magistrate, George Town, Chennai. The said amount may be handed over by the learned XV Metropolitan Magistrate, George Town, Chennai, to the Dean, Stanley Medical College, Chennai, for treating the needy patients. A copy of this order may be forwarded to the Commissioner, Greater Chennai Corporation, Chennai, where the petitioner is working as contract employee.

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 XV Metropolitan Magistrate, George Town, 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 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.



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[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.

18.01.2024

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To

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



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C.V.KARTHIKEYAN, J.

smv

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