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Crl.O.P.No.819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

Crl.O.P.No.819 of 2024

Mukesh Choudhry
S/o. Votram

... Petitioner / A1

Vs.

The State represented by
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
(Crime No.369 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.369 of 2023 on the file of
the respondent.

For Petitioner : Mr. M.Dinesh

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



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 14.12.2023 for the offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.369 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner along with other accused were found in possession of 505 Kgs of banned tobacco products, which had been seized. It is stated that the value of the products is more than Rs.5,00,000/-. It is also stated that there is no previous case against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner was in judicial custody for a substantial period of time and the entire banned tobacco products had been seized from him.

4.Taking all the factors into consideration and the period of incarceration suffered by the petitioner herein, this Court is inclined to grant bail to the petitioner, but however, taking the value of the products, which had been seized, into consideration, **the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) as non refundable deposit to the credit of Crime No.369 of 2023 before the learned District Munsif Cum Judicial Magistrate, Madukkarai, Coimbatore. The said**



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amount may be handed over by the learned District Munsif Cum Judicial Magistrate, Madukkarai, Coimbatore, to the Dean, Government General Hospital, Coimbatore, for treating the needy patients.

5. 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, out of which, one surety must be a blood relative of the petitioner herein and other surety must be a local surety, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Madukkarai, Coimbatore, 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.

C.V.KARTHIKEYAN, J.

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[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.

22.01.2024

smv

To

- 1.The learned District Munsif Cum Judicial Magistrate, Madukkarai, Coimbatore.
- 2.The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
3. The Central Jail, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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