



Crl.O.P.No.1167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

Crl.O.P.No.1167 of 2024

P. Rabideen
S/o. Pakkir Mohamed

... Petitioner / Accused

Vs.

The State represented by
The Inspector of Police,
Vikravandi Police Station,
Villupuram District.
(Crime No.1170 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.1170 of 2023 on the file
of the respondent.

For Petitioner : Mr. M. Arumugam

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



Crl.O.P.No.1167 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.12.2023 for the offences punishable under Sections 273 and 328 of IPC r/w. Section 24(1), 6(b) of COTPA Act in Crime No.1170 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 4500 banned tobacco packets, which had been seized and cash of Rs.74,000/- had also been seized from the accused. The total value of the products seized is Rs.46,000/-.

3.The learned counsel for the petitioner stated that the petitioner is a person of advanced age and stated that the petitioner would abide by any stringent condition.

4.The earlier application seeking bail was dismissed by this Court on 08.01.2024 in Crl.O.P.No.274 of 2024. It is seen that there has been substantial progress in investigation after that particular date.

5.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, taking the value of the products, which had been seized, into consideration, **the petitioner is directed to deposit a sum of**



Crl.O.P.No.1167 of 2024

Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of Crime No.1170 of 2023 before the learned District Munsif Cum Judicial Magistrate, Vikravandi, Villurpuram District. The said amount may be handed over by the learned District Munsif Cum Judicial Magistrate, Vikravandi, Villurpuram District, to the Dean, Government General Hospital, Villupuram, for treating the needy patients.

6. 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 District Munsif Cum Judicial Magistrate, Vikravandi, Villurpuram District, 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.



CrI.O.P.No.1167 of 2024

[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.

19.01.2024

smv

To

1.The District Munsif Cum Judicial Magistrate, Vikravandi, Villurpuram District.

2.The The Inspector of Police,
Vikravandi Police Station,
Villupuram District.

3. The Central Prison, Cuddalore, Cuddalore District.

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

smv



WEB COPY



Crl.O.P.No.1167 of 2024

Crl.O.P.No.1167 of 2024

19.01.2024