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CrI.O.P.No.1589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.01.2024**

CORAM

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

CrI.OP.No.1589 of 2024

Moorthy

...Petitioner

Vs.

State rep by,
The Inspector of Police,
Madhuravoyal Police Station,
Chennai
(Crime No.896 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.896 of 2023 on the file of the respondent police.

For Petitioner : Mr. T.V.G. Kartheeran

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

ORDER

The petitioner seeks bail in Crime No.896 of 2023 registered under Sections 272,273,328 of I.P.C, 24(1), of Cigarette and Other Tobacco



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Products Act 2003 and 77 of the Juvenile Justice Act 2015 and Section 7 and 9(ii) of TN Prohibition of Smoking and Spitting Act, 2003.

2.The petitioner had been remanded to judicial custody on 19.11.2023 with possession of 53 Kgs of ganja.

3. The learned counsel for the petitioner submitted that the contraband was seized only from the co-accused.

4.Taking all the factors into consideration and the quantity of the contraband and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5.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 Judicial Magistrate Court -II,Poonamallee**, and on further conditions that:



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[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 report before the respondent Police, daily at 10.00 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].

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

30.01.2024

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C.V.KARTHIKEYAN, J.

smn

To

1. The **Judicial Magistrate-II, Poonamallee.**

2.The Inspector of Police,
Madhuravoyal Police Station,
Chennai.

3.Central Prison, Puzhal, Chennai

4.The Public Prosecutor, Madras High Court.

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