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Crl.O.P.No.1717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.01.2024**

CORAM

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

Crl.OP.No.1717 of 2024

Mrs. Lakshmi

...Petitioner

Vs.

State rep by,
The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai
(Crime No.5 of 2024)

...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.5 of 2024 on the
file of the respondent police.

For Petitioner : Mr. A. Lokesh babu

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

ORDER

The petitioner seeks bail in Crime No.5 of 2024 registered under
Sections 6 r/w 24(1) of Cigarette and Other Tobacco Products Act 2003, 4(1)
(a) of TNP Act and Section 273,328 of I.P.C.



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2.The petitioner had been remanded to judicial custody on 05.01.2024. It is stated that the petitioner was found in possession of 150 packets of 10 grams of mava and 10 bottles of brandy.

3. The main objection raised by the learned Government Advocate is that there are 18 previous cases against the petitioner. But, however it is also seen that the petitioner is a single parent having 3 children and one child is a school going child. It is further stated that she is diabetic patient and also suffering with neuro problem.

4. If the petitioner is actually a single parent having 3 children and having neuro problems the learned Magistrate may provide counselling to the petitioner through the legal services authority.

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

6.Accordingly, the petitioner is ordered to be released on bail on



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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 XVI 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 report before the XVI Metropolitan Magistrate, George Town, Chennai 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



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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

smn

To

1. The XVI Metropolitan Magistrate, George Town, Chennai .

2.The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai

3.Central Prison, Puzhal, Chennai

4.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.

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