



Crl.O.P.No.1726 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

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

Crl.O.P.No.1726 of 2024

Kabilan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Kaikalathur Police Station,
Perambalur District.

(Crime No.227 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.227 of
2023 on the file of the respondent on such terms and conditions.

For Petitioner : Mr.M.Arun

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

ORDER



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The petitioner/A3 in Crime No.227 of 2023, registered by the respondent police for the offences under Section 6(a) r/w 24(1) of COTPA Act, 2003, and Section 328 of IPC and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, seeks bail. The petitioner had been remanded to custody on 26.12.2023.

2.It is stated that A1 and A2, the driver and cleaner of the lorry had been taken into custody on 24.12.2023 and bail had been granted by order dated 12.01.2024 in Crl.O.P.No.788 of 2024. But in that order, it was stated that they were in possession of 32.500 kgs of Hans and 24.350 kgs of Pan Masala. That is wrong and it had been wrongly represented since, it is 32.200 kgs of 21 bags each of Hans and 24.350 kgs of 5 bags each of Pan Masala. It would substantially increase the quantity seized to about 800 kgs.

3.It is stated that the petitioner and A4 are son and father and they were the prospective receivers of the tobacco products. Taking into consideration the period of incarceration, I am inclined to grant bail to the



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petitioner subject to the following conditions:

4. 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 District Munsif cum Judicial Magistrate, Veppanthattai, Salem 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 report before the respondent police everyday morning at 10.30 a.m., and evening at 5.30 pm., 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



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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.

08.02.2024
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C.V.KARTHIKEYAN. J.
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To



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- 1.The District Munsif cum Judicial Magistrate, Veppanthattai,
Salem District.
- 2.The Sub-jail, Turaiyur, Trichy District.
- 3.The Inspector of Police,
Kaikalathur Police Station,
Perambalur District.
- 4.The Public Prosecutor,
High Court of Madras.

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