



Crl.O.P.No.2750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

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

Crl.O.P.No.2750 of 2024

1.Mohammed Jamsheer
2.Sakeer

... Petitioners

Vs.

The State represented by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
Crime No.34 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the Petitioners on bail in Crime No.34 of 2024 on the file of
the respondent Police.

For Petitioners : Mr.T.R.Meiyaazhahan

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

ORDER

The petitioners who were arrested and remanded to judicial custody
on 10.01.2024 for the offences registered under Section 328 IPC and 24(1) of



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COPT Act, in Crime No.34 of 2024, on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 5.500 kgs of banned tobacco products.

3.It is stated by the learned Government Advocate (crl.side) that there are three previous cases against the first petitioner and there are two previous cases against the second petitioner.

4.There is yet another accused who had also been secured.

5.Taking all the factors into consideration and also considering the quantity of contraband seized, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 X Metropolitan Magistrate, Egmore, 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 Petitioners shall report before the respondent Police,



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everyday at 10.30 a.m., until further orders.

[c] the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Dean, Stanley Government Medical College and Hospital, Chennai, for treatment of needy patients.

[d] the Petitioners shall not abscond either during investigation or trial.

[e] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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].

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

09.02.2024

vkrr



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C.V.KARTHIKEYAN,J.

Vkr

To

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.

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