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Crl.O.P.No.3644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

Crl.O.P.No.3644 of 2024

Muthukumar

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

(Crime No.18 of 2024)

...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.18 of 2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.P.Chandrasekar

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



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ORDER

The petitioner/A2 in Crime No.18 of 2024, registered by the respondent police for the offence under Section 328 of IPC and Sections 6(b) and 24(1) of COTPA Act, 2003, seeks bail.

2.The petitioner had been remanded to judicial custody on 25.01.2024 with possession of 9.350 kgs of banned tobacco products.

3.Taking all the factors into consideration, I am inclined to grant bail to the 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 VII Metropolitan Magistrate, George Town, 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 at 10.30 a.m., until further orders.



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[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.

16.02.2024

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C.V.KARTHIKEYAN. J.
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To

1. The VII Metropolitan Magistrate, George Town.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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