



Crl.O.P.No.4538 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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

Crl.O.P.No.4538 of 2024

Ramesha

...petitioner

Vs.

State represented by
The Inspector of Police,
H-5, Police Station,
New Washermenpet, Chennai.
Crime No.537 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.537 of 2023 on the file of the respondent Police.

For petitioner : Mr.R.N.Amarnath

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.01.2024 for the offences registered by the respondent Police under Sections 272, 273 and 328 IPC and Section 77 of JJ Act, Sections 7 and



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9(ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003 and Sections 6 and 24(1) of COTPA Act, 2003 in Crime No.537 of 2023, seeks bail.

2.It is stated that from the accused, the respondent had seized 57.300 kgs of banned tobacco products.

3.The learned counsel for the petitioner stated that the petitioner was working as Branch Manager in Gokulraj Transport, Bangalore, from where, the illegal banned tobacco products had been transported in a truck operated by Gokulraj Transport. He further stated that the petitioner is totally unaware of the same.

4.A memo had been filed by the learned counsel for the petitioner stating that the wife and brother of the petitioner are prepared to stand as sureties for him.

5.Taking all these factors into consideration 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 executing a separate bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) each with two sureties, (out of which, one must be either the wife or brother of the petitioner) each for a like sum to the satisfaction of the learned **XV 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 respondent Police, everyday at 10.30 am., 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.



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To

1. The XV Metropolitan Magistrate, George Town, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
H-5, Police Station,
New Washermenpet, Chennai.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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