



Crl.O.P.No.4645 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

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

**Crl.O.P.No.4645 of 2024**

C.B. Divahar

...petitioner

Vs.

State represented by  
The Inspector of Police,  
K-5, Peravallur Police Station,  
Chennai.

Crime No.33 of 2024.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.33 of 2024 on the file of the respondent Police.

For petitioner : Mr.E.V. Chandru @ E. Chandrasekaran

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.side)

**ORDER**

The petitioner who was arrested and remanded to judicial custody on 04.02.2024 for the offences registered by the respondent Police under Sections 6(a), 6(b) r/w 24(1) of Cigarettes and Other Tobacco Products



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Acts, 1985 and Section 77 of Juvenile Justice Act, 2015 in Crime No.33 of 2024, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 66 packets of banned tobacco products.

3.The learned Government Advocate (crl.side) stated that there is no previous case against the petitioner.

4.Taking into consideration the quantity of contraband seized and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **V 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 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.

29.02.2024

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To

1. The Metropolitan Magistrate No.V, Egmore, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,  
K-5, Peravallur Police Station, Chennai.
4. The Public Prosecutor, High Court of Madras.

**C.V.KARTHIKEYAN. J.**



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