



Crl.O.P.No.5579 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

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

Crl.O.P.No.5579 of 2024

Vengatachalam

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.

(Crime No.28 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.28 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.Swamisubramanian

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

ORDER



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The petitioner/accused in Crime No.28 of 2024, registered by the respondent police for the offences under Sections 279 and 328 of IPC and Section 7 and 20(2) of COTPA Act, seeks bail.

2.It is the case of the prosecution that the petitioner was in possession of 538 kgs of Hans, 6.7 kgs of Vimal Pan Masala and 1.700 kgs of V1 Tobacco products.

3.The previous application seeking bail in Crl.O.P.No.3371 of 2024 was dismissed by this Court on 14.02.2024.

4.It is now represented that samples have been forwarded to the forensic laboratory which would also indicate that the investigation has been completed.

5.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 Judicial Magistrate, Thiruthuraipoondi, and on further conditions that: -



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[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.

[c] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Dean, Government General Hospital, Thiruvarur District, for treatment of needy patients.

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

[e] the petitioner 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 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].

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

13.03.2024

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C.V.KARTHIKEYAN. J.



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To



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1. The Judicial Magistrate, Thiruthuraipoondi.
2. The Sub Jail, Mannargudi.
3. The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.

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