



Crl.O.P.No.5196 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

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

Crl.O.P.No.5196 of 2024

Vinayagamurthy

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
C3, Seven Wells Police Station,
Chennai District.

(Crime No.23 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.23 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.T.R.Prabakaran

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



Crl.O.P.No.5196 of 2024

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ORDER

The petitioner/A1 in Crime No.23 of 2024, registered by the respondent police for the offences under Sections 6(b) and 24(1) of COTPA Act and Sections 272, 273 and 328 of IPC, seeks bail. The petitioner had been remanded to judicial custody on 24.01.2024 with possession of 12.995 kgs of banned tobacco products.

2.It is stated that A2 had been granted anticipatory bail and there are no previous cases against the petitioner herein.

3.Taking into consideration the period of incarceration and all other factors and also the fact that there is no previous case against the petitioner, 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 VIII Metropolitan Magistrate Court, George Town, Chennai, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb



CrI.O.P.No.5196 of 2024

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 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].

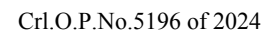
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.03.2024

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C.V.KARTHIKEYAN. J.

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1. The VIII Metropolitan Magistrate, George Town, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
The Inspector of Police,
C3, Seven Wells Police Station,
Chennai District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.5196 of 2024

04.03.2024