



Crl.O.P.No.5783 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

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

Crl.O.P.No.5783 of 2024

Elaiyaran

...Petitioner/Accused-1

Vs.

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

(Crime No.15 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.15 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.U.Kathiravan

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



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ORDER

The petitioner/A1 in Crime No.15 of 2024, registered by the respondent for the offences under Sections 273 and 328 of IPC and Sections 7 and 20(1) of COTPA Act, 2003, seeks bail. The petitioner had been remanded to judicial custody on 22.01.2024.

2.The case of the prosecution is that the petitioner along with another accused were found in illegal possession of 172 kgs of banned tobacco products.

3.It is also stated that A2 had been remanded to judicial custody and also granted bail by the learned Principal Sessions Judge, Thiruvavur.

4.The earlier application seeking bail in Crl.O.P.No.3507 of 2024 had been dismissed by this Court on 26.02.2024.

5.Taking that particular change in circumstance into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 District Munsif cum Judicial Magistrate, Nannilam, 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.

[c] Additionally, after a period of four weeks from the release on bail, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.15 of 2024 and on such deposit, the learned District Munsif cum Judicial Magistrate, Nannilam, may hand over the said amount to the Dean, Government General Hospital, Thiruvarur District.

[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



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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.

11.03.2024

ata

C.V.KARTHIKEYAN. J.

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To

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1. The District Munsif cum Judicial Magistrate, Nannilam.
2. The Sub Jail, Nannilam.
3. The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.

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