



Crl.O.P.No.6740 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

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

Crl.O.P.No.6740 of 2024

Suresh

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Ammamet Police Station,
Salem District.

(Crime No.204 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.204 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.B.Vasudevan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2024 for the offences under Section 6(b), 24(1) of COTPA Act, and Section 77 of JJ Act, and Section 328 of IPC in Crime No.204 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 62.323 kgs of banned tobacco products.

3.The earlier application seeking bail was dismissed by this Court on 29.02.2024 in Crl.O.P.No.5018 of 2024.

4.It is stated that investigation has been practically completed and the respondent await a report from the Forensic Science Laboratory and thereafter, final report would be filed.

5.Taking all those 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 Court No.5, Salem, 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 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.

22.03.2024

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C.V.KARTHIKEYAN. J.
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To



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1. The Judicial Magistrate Court No.5, Salem.
2. The Central Prison, Salem.
3. The Inspector of Police,
Ammamet Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.

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