



WEB COPY



Crl.O.P.No.6451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.03.2024**

CORAM

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

Crl.OP.No.6451 of 2024

1. N. Sanil

2. M.V. Prathish Kumar

...Petitioners

Vs.

The Inspector of Police,
C-3 Seven Wells Police Station,
Chennai District
Crime No.53 of 2024

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.53 of 2024 on the file of the respondent police.

For Petitioners : Mr.P. MuthamizhSelvakumar

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 28.02.2024 for the offences registered under Sections 6(b), 24(1), Cigarettee and Other Tobacco Products Act 2003 and Section 328 of Indian



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Penal code,1860 in Crime No.53 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the first petitioner was found in possession of 1.440 grams of Hans and only based on the confession statement given by the first petitioner, second petitioner/A2 was arrested.

3. It is stated by the learned Government Advocate that A3 is the supplier of the banned tobacco products and he is still absconding.

4.Taking all the factors into consideration and the quantity of the contraband and the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5.Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 VIII Metropolitan Magistrate Court George Town**, 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 petitioners shall report before the respondent Police, daily at 10.00 a.m., until further orders.

[c]the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

25.03.2024

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C.V.KARTHIKEYAN, J.

smn

To

1. The **VIII Metropolitan Magistrate Court George Town.**

2.The Inspector of Police,
C-3 Seven Wells Police Station,
Chennai District
Crime No.53 of 2024

3. The Central Prison, Puzhal

4.The Public Prosecutor, Madras High Court.

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