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Crl.O.P.No.6865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.03.2024**

CORAM

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

Crl.OP.No.6865 of 2024

1. Mohammed Pakdul Hussain
2. Mohammed Ajad
3. Abdul Haque
4. Mohammed Shakil

...Petitioners

Vs.

State rep.by
The Inspector of Police,
Tiruvottiyur Police Station,
Chennai District.
Cr.No.251of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.251 of 2024 on the
file of the respondent.

For Petitioners : Mr.Thondan Subramani

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



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ORDER

The petitioners/A1 to A4 in Crime No.251 of 2024 who were arrested and remanded to judicial custody on 06.03.2024, registered by the respondent police for the offences under Sections 272, 273, 328 of IPC r/w 20(1) of COTPA Act, 7 9(ii) TN Prohibition of Smoking and Spitting Act seek bail.

2. It is stated that the petitioners were found in possession of 3.642 kgs of banned tobacco products.

3. A memo had been filed by the learned counsel for the petitioners giving details about the blood sureties to appear who had stand sureties for the petitioners herein. The sureties had also been verified by the respondent.

4. Taking all the factors into consideration 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 separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, out of whom, one surety must be a blood related surety for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruvottiyur** 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.

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Vv



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C.V.KARTHIKEYAN, J.

Vv

To

1. The Judicial Magistrate,
Tiruvottiyur
- 2.The Inspector of Police,
Tiruvottiyur Police Station,
Chennai District.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
Madras High Court.

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