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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

Crl.O.P.No.6993 of 2024

Sanavullah @ Sheikh Sanavullah

... Petitioner / Accused

Vs.

The State represented by
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai. ... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in Crime No.121 of 2024 on the file of the respondent.

For Petitioner : Mr. R. Kannabiran

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 28.02.2024 for the offences punishable under Sections 272, 273, 328 of IPC and Sections 6(a), 24(1) of COTPA Act, 2003 and Sections 7 and 9(ii) of TN Prohibition of Smoking & Splitting Act, 2003 and Section 77 of J.J. Act, 2015 in Crime No.121 of 2024 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner was found in possession of 54.500 Kgs of banned tobacco products, which had been seized. It is also stated that there is one previous case against the petitioner.

3.Taking all the factors into consideration and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, but however, directing the petitioner to **deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only), as non refundable deposit to the credit of Crime No.121 of 2024 before the learned XV Metropolitan Magistrate, George Town, Chennai. The said amount may be handed over by the leanred XV Metropolitan Magistrate, George Town, Chennai, to the Dean, Stanley Medical College and Hospital,**

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Chennai, for treating the needy patients.

5. Accordingly, the petitioner is ordered to be released on bail on executing 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 learned XV Metropolitan Magistrate, George Town, Chennai, 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 appear before the respondent police daily 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].

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C.V.KARTHIKEYAN, J.

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

21.03.2024

smv

To

1.The XV Metropolitan Magistrate, George Town, Chennai.

2.The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai

3. The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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