



Crl.O.P.No.6987 of 2024

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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.6987 of 2024

1.Ansar Basha

2.Kishore Kumar @ Kishore

... Petitioners

Vs.

State represented by
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
(Crime No.125 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.125 of 2024 on the file
of the respondent.

For Petitioners : Mr. R.Kannabiran

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



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ORDER

The petitioners / A1 and A2, who were arrested and remanded to judicial custody on 01.03.2024, registered for the offences 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.125 of 2024 on the file of the respondent Police, seek bail.

2. It is stated that there are totally four accused. A1, A2 and A3 were found in possession of 50.700 Kgs of banned tobacco products. A4 is still absconding.

3. Taking all the factors into consideration and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioners, but however, **directing the petitioners to deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) each, as non refundable deposit to the credit of Crime No.125 of 2024 before the learned XV Metropolitan Magistrate, George Town, Chennai. The**



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said amount may be handed over by the learned XVMetropolitan Magistrate, George Town, Chennai, to the Dean, Stanley Medical College and Hospital, Chennai, for treating the needy patients.

4. 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 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 petitioners shall appear before the respondent police everyday at 10.30 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



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appropriate action against the petitioner 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.

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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C.V.KARTHIKEYAN, J.

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