



WEB COPY



Crl.O.P.No.7230 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.7230 of 2024

Kesavan

...Petitioner

Vs.

State rep by,
Inspector of Police
H-3, Tondiarpet Police Station,
Chennai.
Crime No.104 of 2024

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.104 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Rajesh

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.03.2024 for the offences registered under Sections 272,273,328 of I.P.C and Section 6(a), 24(1) of Cigarette and Other Tobacco Products Act



Crl.O.P.No.7230 of 2024

2003 and Section 7,9(ii) of TN Prohibition Smoking and Spitting Act, 2003 in Crime No.104 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner was in possession of 200 grams of banned tobacco product . Hence the complaint.

3. It is stated by the learned Government Advocate that the petitioner indulged in selling banned tobacco products to school going children and others.

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 petitioner subject to the following conditions.

5.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 **learned XV Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:



Crl.O.P.No.7230 of 2024

[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, daily at 10.00 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.

25.03.2024

smn



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Crl.O.P.No.7230 of 2024

C.V.KARTHIKEYAN, J.

smn

To

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

2. Inspector of Police

H-3, Tondiarpet Police Station,
Chennai. Crime No.104 of 2024

3. The Central Prison, Puzhal.

4. The Public Prosecutor, Madras High Court.

Crl.OP.No.7230 of 2024

25.03.2024