



Crl.O.P.No.7855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

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

Crl.O.P.No.7855 of 2024

Prasath

... Petitioner

Vs.

State represented by
The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore District.
Crime No.64 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.64 of 2024 on the file of
the respondent Police.

For petitioner : Mr.M. N. Balakrishnan

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 27.02.2024 for the offences registered under Sections 6, 24(1) of
Cigarette and Other Tobacc Products Acts 2003 and Section 328 of I.P.C in
Crime No.64 of 2024, on the file of the respondent Police, seeks bail.



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2.It is stated that the petitioner was in possession of 21 kgs of Banned Tobacco Products.

3. The learned Government Advocate submitted that there are 4 previous cases pending against the petitioner which are similar in nature.

4.Taking all the factors into consideration and also considering the period of incarceration undergone by the petitioner, I am 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 separate 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 Judicial Magistrate Court-I, Coimbatore**, 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 report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Dean, Government Hospital, Coimbatore District for treatment of needy patients on or before 12.04.2024.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

28.03.2024

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C.V.KARTHIKEYAN,J.

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To

- 1.The **Judicial Magistrate Court-I, Coimbatore**
2. The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore District.
- 3.The Central Prison, **Coimbatore**.
4. The Public Prosecutor, High Court of Madras.

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