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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9021 of 2024

Syed Mansoor Moin Navaz

... Petitioner

Vs.

State Rep by.
The Inspector of Police
E-2, Royapettah Police Station,
Chennai
Crime No. 56 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 56 of 2024, on the file
of the respondent.

For Petitioner : Mr.Karthick M
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2024 for the alleged offences punishable under Sections 24(1) of Cigarette and Other Tobacco Products Act, **2003 and 273, 328 IPC**, **in crime No. 56 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the while checking the vehicle the respondent police found the petitioner with banned tobacco products. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner submits that the petitioner is a Auto driver for daily wage of Rs.500/- on the date of alleged occurrence the passenger who boarded the auto with a parcel stating that it is is grocery items but he has not aware about the alleged contraband. Hence, he prays to allow this petition. On the other side, the learned Government Advocate (Crl. side) submits that totally three accused involved in this case and the petitioner is arrayed as A2 and the contraband seized from the petitioner is 203.5 kgs. Hence, he raised objection to grant bail.

4. Considering the facts of the case, out of three accused persons



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the petitioner is arrayed A2. According to the petitioner, he is a Auto driver and A1 was hired him on the date of alleged occurrence. Further, it is stated that the petitioner has not aware about the contraband found in the bag and he has no role in the alleged occurrence. But the Government Advocate (Crl.side) Stated that the petitioner has knowingly transported the alleged contraband along with other accused person and based on the petitioner's confession A3 was arrested. On seeing the facts of the case,the petitioner is a auto driver and there is no previous case pending against the petitioner and the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate Court, Siadapet, 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 report before the respondent police on every Sunday and Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. Further, the petitioner is directed to deposit a sum of Rs.10,000/- (Ten Thousand Only) to the credit of Registered Advocate Clerk Association, Chennai within a period of two weeks from the date of receipt of a copy of this order.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **XVIII Metropolitan Magistrate Court, Saidapet, Chennai**

2. The Inspector of Police
E-2, Royapettah Police Station,
Chennai

3. The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9021 of 2024

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