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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

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

Crl.O.P.No.9132 of 2024

K.Boobathy

... Petitioner

Vs.

State Rep by.
The Inspector of Police
H-4, Korukkupet, Police Station,
Triplicane, Chennai.
Crime No. 67 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation on the file of
the respondent in crime No. 67 of 2024.

For Petitioner : Mr.Hariharan. K
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 18.03.2024 for the alleged offences punishable under Sections 272, 273, 328 of IPC, 1860 and under Section 20(1) of Cigarette and Other Tobacco Products Act, 2003 Act and Section 77 of the Juvenile JJ Act (Justice (Care and Protection of children) Act 2015 and Sections 4(1)(a), 7 & 9(ii) of TN Prohibition Act in crime No. 67 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with the possession of 468 (hans packet) banned Tobacco Products and 12 brandy bottles. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the accused persons with the possession of 468 (hans packet) banned Tobacco Products and 12 brandy bottles. Further, he stated the petitioner is having 6 previous cases.



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4. Considering the period of incarceration undergone by the petitioner and also 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)** with **two sureties (one must be a blood surety)**, 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 report before the respondent police daily at 10.30 a.m., for a period of two months. Further, the petitioner is directed to deposit a sum of **Rs.10,000/- (Ten Thousand Only)** to the credit of **Tamil Nadu Advocate Clerk Welfare Association, Chennai**, within a period of two weeks



from the date of receipt of a copy of this order and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[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.

16.04.2024

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T.V.THAMILSELVI,J.



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To

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

2. The Inspector of Police
H-4, Korukkupet, Police Station,
Triplicane, Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9132 of 2024

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