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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

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

Crl.O.P.No.9244 of 2024

1. Mohan
2. KamaalBasha

... Petitioners

Vs.

State Rep by.
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
Crime No. 251 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioners on bail in crime No.251 of 2024 on
the file of the respondent.

For Petitioner : Mr.K.Thenrajan
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.04.2024 for the alleged offences punishable under Sections **273, 328 IPC and Section 77 of Juvenile Justice Act, and Section 7 & 9(ii) of Tamil Nadu Prohibition of smoking and spitting Act, 2003 and Section 6, 24(1) of Cigarette and other Tobacco Products Act, 2003 in crime No.251 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 760 grams of Banned Tobacco Products. Hence the case.

3. The learned counsel for the petitioners submit that the petitioners have been falsely implicated in this case and they are innocent persons. However, on instructions, the learned counsel further submitted that the petitioners, on his own volition, is ready and willing to contribute a some amount to the charitable purpose as imposed by this Court. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused were found to be illegal possession of 760 grams of Banned Tobacco Products. Further, he submitted that there is no previous case pending against the petitioners. However, he raised objection to grant



bail.

5. Considering the period of incarceration undergone by the petitioner and also there is no previous case pending against the petitioners. Hence, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are 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 XV M.M. GT**, 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 report before the respondent police on every sunday at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

17.04.2024

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T.V.THAMILSELVI,J.

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To
1. The **XV M.M. GT.**



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2. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
3. The Central prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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