



Crl.O.P.No.9294 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

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

Crl.O.P.No.9294 of 2024

Kumar

...Petitioner/A1

Vs.

State represented by
The Inspector of Police,
Arani Taluk Police Station,
Thiruvannamalai District.
(Crime No.168 of 2024)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.168 of 2024 on the
file of the respondent police.

For Petitioner : Mr.A.Vijay Shankar
For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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Crl.O.P.No.9294 of 2024

ORDER

The petitioner / A1 who was arrested and remanded to judicial custody on 20.02.2024 for the offences punishable under Sections 273, 328, 511 r/w Section 24(1) of COTPA Act in Crime No.168 of 2024 on the file of the respondent, seeks bail.

2.The case of the prosecution is that the accused were found in illegal possession of 100 Kgs of banned tobacco products.

3.The learned counsel for the petitioner stated that the total contraband was only 35 Kgs.

4.But it is contended by the learned Government Advocate (Criminal Side) that even in the First Information Report, it had been very specifically stated that the total contraband was 100 Kgs of banned tobacco products.

5.Earlier petition seeking bail was dismissed on 21.03.2024 in Crl.O.P.No.6266 of 2024. It seen that the co-accused had been granted bail and there has been substantial progress in the investigation.

6.Taking all the factors into consideration and also considering the



Crl.O.P.No.9294 of 2024

period of incarceration suffered by this petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Judicial Magistrate, Arni 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., 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].



Crl.O.P.No.9294 of 2024

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

16.04.2024

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To

1. The Judicial Magistrate, Arni.
2. The Central Prison, Vellore.
3. The Inspector of Police,
Arani Taluk Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.9294 of 2024

Crl.O.P.No.9294 of 2024

16.04.2024