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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

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

Crl.O.P.No.9627 of 2024

Mahalakshmi ... Petitioner

Vs.

State Rep by.
The Inspector of Police
K-7, I.C.F Police Station,
Chennai.
Crime No. 53 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. 53 of 2024 on the file of the The Inspector of Police, K-7, I.C.F Police Station, Chennai.

For Petitioner : Mr.R.Muthukumar
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 22.03**.2024** for the alleged offences punishable under Sections Section 328 of IPC, and under Section 24(1) of (COTPA) Cigarette and Other Tobacco Products Act, **2003 in crime No. 53 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 4.657 kgs of banned Tobacco Products. 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 person with the possession of 4.6575 kgs of banned Tobacco Products. Further, he stated that there is no previous cases pending against the petitioner.

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

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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 V Metropolitan Magistrate Court, Egmore, 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 Saturday 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;

[c] the petitioner shall not abscond either during

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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.

24.04.2024

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T.V.THAMILSELVI,J.

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To
1. The V Metropolitan Magistrate, Egmore, Chennai.

2. The Inspector of Police
K-7, I.C.F Police Station,
Chennai.

3. The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9627 of 2024

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