



Crl.O.P.No.11432 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11432 of 2024

C. Sivakumar

...Petitioner

Vs.

State of Tamil Nadu,
by its Inspector of Police,
Parmathi Police Station,
Cr.No.86 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.86 of 2024 on the file of the respondent Police.

For petitioner : Mr.D. Arun Kumar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.03.2024 for the offences registered by the respondent Police under Sections 328 of I.P.C r/w 24(1) of Cigarette and other Tobacco Products Act,2003 in Crime No.86 of 2024, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of 188 kgs of banned tobacco products. Hence the complaint.

3.The learned Government Advocate (crl.side) stated that there is no previous case against the petitioner.

4.Taking all the factors into consideration and the period of incarceration and also of the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



5. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial **Magistrate, Parmathi. Namakkal District** 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, everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) directly to the Adyar Cancer Institute (WIA), Adyar, Chennai and the receipt of such payments shall be produced at the time of executing the bond.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



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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].

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

09.05.2024

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To

1. The **Judicial Magistrate, Parmathi. Namakkal District**
2. The Sub Jail, Paramathi, Paramathi Velur Taluk, Namakkal District.
3. The Inspector of Police,
Parmathi Police Station,
Cr.No.86 of 2024
4. The Public Prosecutor, High Court of Madras.



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K. KUMARESH BABU. J.

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