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Crl.O.P.Nos.28599, 28330 & 28441 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

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

Crl.O.P.Nos. 28599, 28330 & 28441 of 2023

Shekdawood	... Petitioner in Crl.O.P.No.28599 of 2023
S.Chithirai selvan	... Petitioner in Crl.O.P.No.28330 of 2023
Selvakumar	... Petitioner in Crl.O.P.No.31213 of 2023

Vs.

State rep. by:-
The Inspector of Police
K-10, Koyambedu Police Station
Chennai.
(Crime No.647 of 2023)

... Respondent in all Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Cr.No. 647 of 2023 on the file of the respondent police.

For Petitioner in Crl.O.P.No. 28599/2023: Mr.R.Parthiban

For Petitioner in Crl.O.P.No. 28330/2023: Mr.G.Jaisingh

For Petitioner in Crl.O.P.No. 28441/2023: Mr. P.Manivannan



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For Respondent in
all Crl.O.Ps. : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners/A-1 to A-3, who were arrested and remanded to judicial custody originally registered for the offences under Sections 272, 273, 328 of IPC read with Section 77 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No.647 of 2023, seek bail.

2. It is stated that the first accused in Crl.O.P.No. 28330 of 2023 was originally remanded to judicial custody on 21.11.2023 with possession of banned tobacco products. He then pointed out the second accused in Crl.O.P.No. 28599 of 2023 as supplier and he was taken into custody on 21.11.2023. Thereafter, they had stated that the third accused in Crl.O.P.No. 28441 of 2023 is the supplier and he was remanded to judicial custody on 22.11.2023.

3. The learned counsels for the petitioners stated that the



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petitioners have been in custody for the past 51 days. It is stated that the possession of quantity from all the three accused is 80 kgs.

4. On the side of the respondent, counter had been filed and it is stated that the investigation has been practically completed and the seized contraband had been produced before the V Metropolitan Magistrate, Egmore. It is also stated that the third accused has two previous cases against him in which he had paid the fine. It is stated that the second accused has one previous case against him and the first accused has one previous case against him.

5. Taking into consideration, the period of incarceration and all other factors, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two fresh sureties, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate Court, Egmore,



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Chennai -15 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 until further orders;

[c] each of the petitioners shall deposit a sum of Rs.15,000/- to the Dean, Government Stanley Hospital, for treatment of needy patients;

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on



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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.

08.01.2024

vsg

To

1. V Metropolitan Magistrate Court, Egmore,
Chennai -15.
2. The Inspector of Police
K-10, Koyambedu Police Station
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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