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Crl.O.P.No.30776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30776 of 2024

Raja @ Kulla Raja

... Petitioner

Vs.

The State of Tamil Nadu,
rep. by the Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.558 of 2024 on the file of the respondent Police (H-4, Korukkupet Police Station).

For Petitioner : Mr.M. Illiyas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.558 of 2024 registered for the offences punishable under Sections 274, 275, 123 BNS and Sections 20(1) of



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COTPA Act, 2003 and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and u/s.7, 9(ii) of TN Prohibition of Smoking & Spitting Act, 2003, is on board for consideration.

2.The incarceration of the petitioner being from 23.11.2024, pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the respondent Police, on their regular patrol duty, found that the petitioner was in possession of 8 kgs of banned tobacco products for selling it at high price to school and college students. He further submits that there are four previous cases against the petitioner, in which, two are similar in nature.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the **"Little Drops - Public Charitable**



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Trust, Account no – 05811010002400, IFSC - PUNB0058110 Punjab National Bank, Moulivakkam chennai. Mobile - 9176623342." without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town at 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, everyday at 06.30 p.m., until further orders;



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[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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

10.12.2024

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To

1. The XV Metropolitan Magistrate,
George Town Court at Chennai.
2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,



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High Court of Madras.
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A.D.JAGADISH CHANDIRA., J.

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