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CRL O.P. No.18845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2024

CORAM:

The Hon'ble Mr.Justice P.DHANABAL

CRL O.P. No.18845 of 2024

Kalyanasundaram S/o. Perumal

... Petitioner

Vs

The State rep. by-

The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai,
Chennai.

... Respondent

For Petitioner : Mr. S. Thirukkumaran

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :-

The Criminal Original Petition is filed under Section 483 of The
Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the



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petitioner/Accused in Crime No.248 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 24.07.2024 for the offences punishable under sections 275, 123, 62 of B.N.S. and Section 6(a) r/w 24(i) COTPA 2003 in Crime No.248 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.07.2024, the respondent police inspected the petitioner's bunk shop running in Anna Street, Chetpet and seized 20 grams 18 Hans pockets and 126 grams 10 Cool Lips pockets, which were under the illegal possession in the shop of the petitioner. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the respondent police registered a case against the petitioner in Cr. No.248 of 2024 for the offences punishable under sections 275, 123, 62 of B.N.S. and Section 6(a) r/w 24(i) COTPA 2003. The petitioner was arrested on 24.07.2024. He has not committed any offence as alleged in



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FIR and he has been falsely implicated in this case for statistical purpose.

He has been in judicial custody for nearly two weeks. The earlier bail application filed by the petitioner was dismissed vide order passed by the Principal District and Sessions Court, Tiruvannamalai. Hence, he prayed bail for the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the respondent police at 24.07.2024 at about 10.45 a.m., on patrol along with officials at Chetpet Anna Street found the petitioner/ accused under illegal possession of the Hans Chaap Tobacco of 360 gms, Cool lip of 126 grams worth about Rs.1,120/- and the petitioner is having a previous case. Hence if the petitioner is released on bail, it will affect the investigation and thereby, he strongly opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions on either side and



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considering the quantity of products involved in the case and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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, Polur and on further conditions that:

[b] the petitioner shall report before respondent police daily at 10.00 A.M., for 30 days.

[c] the petitioner shall not commit any offences of similar nature.

[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



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Judicial 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].

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

05.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J

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To

- 1.The Judicial Magistrate, Polur.
- 2.The Sub Jail, Polur.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai.

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