



WEB COPY



CRL O.P. No.19204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19204 of 2024

Sumernath

... Petitioner

Vs

The State represented by,
The Sub-Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.233 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 233 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.M.Sathishkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
14.06.2024, for the alleged offence punishable under Sections 7(5) and
20(2) of the Cigarettes and other Tobacco Products Act, 2003 r/w Section



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328 of IPC, in Crime No.233 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found to be in illegal transportation of banned tobacco products worth about Rs.2,97,240/- in a two wheeler. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 110 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays bail for the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that there are totally three accused in this case and the petitioner herein is arrayed as A2. He further submitted that the petitioner along with other accused were found to be in illegal transportation of banned tobacco products worth about Rs.2,97,240/-. He would further



submit that there is no previous case against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offence and the quantity involved and considering the period of incarceration undergone by the petitioner, and also considering the fact that the petitioner has no previous case, pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the Judicial Magistrate No.V, Vellore, Vellore District, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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



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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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

29.08.2024

drl

To

- 1.The Judicial Magistrate No.V,
Vellore, Vellore District.
- 2.The Sub-Inspector of Police,
Sathuvachari Police Station,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL,J



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