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Crl.O.P.No.19239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19239 of 2024

Thasthageer

...Petitioner/Accused-2

Vs.

The State rep by
The Inspector of Police,
B-1, Big Bazaar Police Station,
Coimbatore District.
(Crime No.195 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in Crime No.195 of 2024 on the file of respondent police.

For Petitioner : Mr.N.Arun Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2024 for the offence under Sections 6(b) r/w 24(1), 7(1) r/w 20(1) of the Cigarette and Other Tobacco Products Act, 2003 and 123 of the BNS in Crime No.195 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A2 was found in illegal possession of 3 kg of banned tobacco in M.M.Bakery, which is run by the first accused. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner/A2 was found in illegal possession of 3 kg of banned tobacco, which is worth about Rs. 5,600/-. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently objected to granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of offence, the quantity of material involved in this case, the fact that no previous case is pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner/A2, this Court is inclined to grant bail to the petitioner with 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 Court – V, Coimbatore***, and on further conditions that :



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[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 abscond either during investigation or trial;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

13.08.2024

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To

- 1.The Judicial Magistrate Court - V,
Coimbatore
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
B-1, Big Bazzar Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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