



WEB COPY



CRL O.P. No.19333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19333 of 2024

P. Selvaraj S/o. Palpandi

... Petitioner/Accused

Vs

State rep. by:-

The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
[Cr. No.271 of 2024]

... Respondent

For Petitioner : Mr. Deepanuday
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 petitioner/Accused in Crime No.271 of 2024 on the file of the respondent police.



CRL O.P. No.19333 of 2024

ORDER

WEB COPY

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 01.08.2024 for the offences punishable under sections 123, 275 of B.N.S r/w 7(1), 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.271 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.08.2024, the respondent police, while indulging in the toxins and illegal drug trafficking check up, found the petitioner carrying white colour bag and on suspicion, when the respondent police checked the bag, they found 30 packet of Hans Tobacco and 19 packets of Vimal Pan Masala and seized the same from the petitioner. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody for the past more than five months. He is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would



CRL O.P. No.19333 of 2024

submit that the petitioner is a sole accused in this case and on 01.08.2024, he was found in possession of banned Tobacco and pan masala products worth about Rs.2,000/- and the products were seized from the petitioner by the respondent police. Hence he objected to grant bail to the petitioner. The learned Government Advocate (Criminal side) further submitted that there is no previous case as against the petitioner..

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

6. Considering the rival submissions on either side, considering the nature of offences charged as against the petitioner, considering the quantity of materials involved in the case, considering the fact that no previous case is pending against the petitioner and the properties were recovered and also taking into consideration the period of incarceration of the petitioner, 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



CRL O.P. No.19333 of 2024

of the **Judicial Magistrate No.IV, Tiruppur** and on further conditions that:

[b] the petitioner shall report before the respondent Police daily at 10.00 A.M. for 4 weeks and thereafter as and when required for interrogation.

[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 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 269 B.N.S.



WEB COPY



CRL O.P. No.19333 of 2024

12.08.2024

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

To

1. The Judicial Magistrate No.IV, Tiruppur
- 2.The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
- 3.The District Jail, Tiruppur.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
mjs



WEB COPY



CRL O.P. No.19333 of 2024

CRL.OP.No.19330 of 2024

12.08.2024