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CRL O.P. No.19438 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.19438 of 2024

Prakash S/o. Gunasekaran

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
PagandaiKootusalai Police Station,
Kallakurichi District.
[Cr. No.144 of 2024]

... Respondent

For Petitioner : Mr. T.Maha Vishnu
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.144 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/accused, who was arrested and remanded to judicial custody on 14.07.2024 for the offences punishable under Sections 123 of BNS, 2023, and 24(1) of COTPA Acts, in Crime No.144 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is during the search made by the respondent police, the petitioner was found in illegal possession of 57 packets of Hans Bundles total weight of 17 kgs 100 grams and hence he was arrested and remanded to judicial custody on 14.07.2024. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He is in judicial custody for more than 25 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was arrested and remanded to judicial custody on 14.07.2024 for illegal possession of 17.100 kgs of Hans. The properties



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were seized from the accused. Further, he submitted that there are 3 previous cases as against the petitioner. Hence he opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side and considering the nature of offences and the quantity of materials involved in this 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 **Judicial Magistrate Court, Sankarapuram**, and on further conditions that:



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[b] the petitioner shall report before the Thiruvannamalai Police Station 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 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.

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



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To

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- 1.The Judicial Magistrate Court,
Sankarapuram.
- 2.The Inspector of Police,
PagandaiKootusalai Police Station,
Kallakurichi District.
- 3.The Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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