



Crl.O.P.No.19483 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.19483 of 2024

Selva Kannan

...Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Kattur Police Station,
Coimbatore.

(Crime No.247 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.247 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Venkatesan

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 20.07.2024 for the offences under Sections 123, 275 of the BNSS and 6(a), 7(1), and 20(1) of the Cigarette and Other Tobacco Products Act, 2003, in Crime No. 247 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 56 kg of prohibited tobacco products. 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; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) opposed the grant of bail to the petitioner by stating that the petitioner was found in illegal possession of 56 kg of prohibited tobacco products, which are worth about Rs. 20,000/-, and also submitted that though he had one previous case of similar nature, he was granted anticipatory bail by this Court vide its order dated 05.09.2022 in Crl.O.P.No.21268 of 2022.

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

6. Considering the submissions made on both sides, the nature of offence, also taking into consideration the period of incarceration undergone by the petitioner and considering all others factors, 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 - 2, 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.

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To

1. The Judicial Magistrate - 2,
Coimbatore

2. The Central Prison,
Coimbatore.

3. The Inspector of Police,
Kattur Police Station,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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