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CRL O.P. No.19580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19580 of 2024

Parthiban

... Petitioner / Accused-3

Vs

State rep. by:-

The Inspector of Police,
D1 Ramanathapuram Police Station,
Coimbatore District.

... Respondent

[Cr. No.151 of 2024]

For Petitioner : Mr.W.Camyles Gandhi

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 enlarge the petitioner on bail in Crime No.151 of 2024 on the file of the respondent police.



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ORDER

The petitioner/Accused-3, who was arrested and remanded to judicial custody on 09.07.2024 for the offences punishable under Sections 6(b), 24(1) of COTPA Act and Section 328 of IPC in Crime No.151 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 36 kgs of banned tobacco products in vehicles bearing TN-59-CE-8480 and TN-37-BU-0230. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused were found in possession of 36 kgs of banned tobacco products. He



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would further submit that there is no previous case against the petitioner.

However, he opposed to grant bail to the petitioner.

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

6. Considering the representation made on both side counsel and considering the fact that there are no previous cases pending against the petitioner and also considering the period of incarceration undergone by the accused, this Court is 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 VI, Coimbatore**, and on further conditions that:

[b] 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.

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



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[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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To

- 1.The Judicial Magistrate VI, Coimbatore.
- 2.The Inspector of Police,
D1 Ramanathapuram Police Station,
Coimbatore District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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