



Crl.O.P.No.19534 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.19534 of 2024

Gowthaman

...Petitioner/Sole Accused

Vs.

State represented through
The Inspector of Police,
Mannargudi Police Station,
Tiruvarur District.
(Crime No.168 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Sections 439 of Cr.P.C., and 483 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in Crime No.168 of 2024 on the file of respondent police.

For Petitioner : Mr.D.Lakshmipathy

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



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CrI.O.P.No.19534 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.06.2024 for the offences under Sections 273 and 328 of the Indian Penal Code and Sections 7 and 20(1) of the Cigarette and Other Tobacco Products Act, 2003, in Crime No. 168 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 67 pockets of prohibited tobacco without a valid license from the Government. 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 has been in custody for more than 50 days. He also 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.



Crl.O.P.No.19534 of 2024

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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 67 pockets of prohibited tobacco, which are worth about Rs. 25,000/-, and also submitted that the petitioner had 19 previous cases, all of which are cases under Section 4(1-A) of the Tamil Nadu Prohibition Act.

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

6. Considering the submissions made on both sides, the period of incarceration undergone by the petitioner, no similar kinds of cases pending against the petitioner, and also considering all other aspects, 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 - I, Mannargudi***, and on further conditions that:



CrI.O.P.No.19534 of 2024

WEB COPY

[a] the petitioner shall report before the Inspector of Police, Thanjavur Town Police Station, Thanjavur District, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for the 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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CrI.O.P.No.19534 of 2024

To

1. The Judicial Magistrate No.I,
Mannargudi.
2. The Superintendent of Prison,
District Prison,
Nagapattinam.
3. The Inspector of Police,
Mannargudi Police Station,
Tiruvarur District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.19534 of 2024

P.DHANABAL, J.

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Crl.O.P.No.19534 of 2024

13.08.2024