



Crl.O.P.No.19739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19739 of 2024

1.Ajay Kumar

2.Pramod Kumarmishra

...Petitioners/Accused - 1 and 2

Vs.

State rep by Inspector of Police,
K-5, Pervallur Police Station,
Kolathur,
Chennai District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioners on bail in Crime No.218 of 2024 on the file of respondent police.

For Petitioners : Mr.D.Chandra Sekar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.07.2024 for the offences under Sections 24(1) of the Cigarette and Other Tobacco Products Act, 2003 (COPTA) r/w 123 of the BNS, 2023 in Crime No.218 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners allegedly tried to sell the banned tobacco products to the defacto complainant. Hence, the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioners/A1 and A2 sold the banned tobacco products, which are worth about Rs.20,000/- (Rupees Twenty Thousand only) to the defacto complainant. He further submitted that there are no previous cases pending against the petitioners. However, he vehemently objected to granting bail to the petitioners.

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

6. Considering the nature of offence, the quantity of material involved in this case, the fact that no previous cases are pending against the petitioners, and also taking into consideration the period of incarceration undergone by the petitioners/A1 and A2, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the learned *V Metropolitan Magistrate, Egmore, Chennai*, and on further conditions that:



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[a]the petitioners 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 petitioners shall not abscond either during investigation or trial;

[c]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 V Metropolitan Magistrate,
Egmore,



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Chennai.

2.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.

3.The Inspector of Police,
K-5, Pervallur Police Station,
Kolathur,
Chennai District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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