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CRL O.P. No.19885 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19885 of 2024

M.Muthuramalingam @ Muthulingam ... Petitioner/Accused
S/o. Muthusamy

Vs

State rep. by:-

The Inspector of Police,
F-2 SIPCOT Police Station,
Gummidipoondi.
[Cr. No.733 of 2024]

... Respondent

For Petitioner : Mr. A. Rajapandian
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.733 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 06.08.2024 for the offences punishable under sections 274, 275 and 123 of B.N.S r/w 6(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.733 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.08.2024, the respondent police, while indulging in the illegal drug trafficking check up, found the petitioner carrying plastic bag and on suspicion, when the respondent police checked the bag, they found 10 pockets of hans, 40 pockets of cool lip and 60 pockets of VI tobacco and seized the same from the petitioner. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody for the past more than three weeks. The earlier bail application filed by the petitioner was dismissed by the Principal District and Sessions Court, Tiruvallur. The petitioner is ready to abide by any condition imposed by this Court. Hence, the petitioner



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may be released on bail.

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4. The learned Government Advocate (Criminal Side) would submit that on 06.08.2024 near Karimedu Bypass Mani Coolbar & Tea Stall, the petitioner was found in illegal possession of banned Tobacco products worth about Rs.1,000/- and the products were seized from the petitioner by the respondent police. Hence he objected to grant bail to the petitioner. The learned Government Advocate (Criminal side) further submitted that there is no previous case as against the petitioner..

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

6. Considering the rival submissions on either side, considering the nature of offences charged as against the petitioner, considering the quantity of materials involved in the case, considering the fact that no previous case is pending against the petitioner and the products were recovered and also taking into consideration the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:



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[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, Gummidipoondi** and on further conditions that:

[b] the petitioner shall report before the respondent Police daily at 10.00 A.M. for 30 days and thereafter as and when required for interrogation.

[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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.08.2024

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

To
1. The Judicial Magistrate, Gummidipoondi.

2. The Inspector of Police,
F-2 SIPCOT Police Station,
Gummidipoondi.

3. The Sub Jail, Ponneri.

4. The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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