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Crl.O.P.No.19977 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19977 of 2024

1.Pathuruthin
2.Muthukrishnan

...Petitioners/Accused 1 & 3

Vs.

The State rep by
The Inspector of Police,
Mangalam Police Station
Mangalam, Tiruppur District
(Crime No.274 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in Crime No.274 of 2024 on the file of respondent police.

For Petitioners : Mr.S.Surya

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 06.08.2024 for the offences under Sections 7(1) & 20(2) of the Cigarette and Other Tobacco Products Act, 2003 and Section 123 and 275 of the Bharatiya Nyaya Sanhita, 2023 in Crime No.274 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners/A1 & A3 along with the other accused were found to be in illegal possession of 912 kgs of banned tobacco products and they tried to sell it to the general public. 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.

4. Learned Government Advocate (Crl.Side) submitted that the



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petitioners along with other accused were found in illegal possession of 912 kgs of banned tobacco. He further submitted that as far as the first accused is concerned, there is one previous case pending and as far as third accused is concerned, there are four cases pending. Hence, he vehemently objected to granting bail to the petitioners.

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

6. Considering the submissions made on both sides, the quantity of material involved in this case, and also taking into consideration the period of incarceration undergone by the petitioners and there are previous cases pending as against the 1st petitioner, 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 separate 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 court of *Judicial Magistrate-IV, Tiruppur*, and on further conditions that:

[a] the petitioners shall report before the respondent



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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 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 - IV
Tiruppur

2.District Prison, Tiruppur

3.The Inspector of Police,
Mangalam Police Station
Mangalam, Tiruppur District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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