



WEB COPY



CRL O.P. No.19968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19968 of 2024

1.Shiva

2.Naveenkumar

... Petitioners / Accused-1 & 2

Vs

State rep. by:-

The Inspector of Police,
Pallapatty Police Station,
Salem District.

... Respondent

[Cr. No.1292 of 2023]

For Petitioners : 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 petitioners on bail in Crime No. 1292 of 2023 on the respondent police.



CRL O.P. No.19968 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.08.2024 for the offences punishable under Sections 6(a), 24(1) of COTPA Act r/w Section 328 of IPC, in Crime No.1292 of 2023, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 501 kgs of banned tobacco products in a vehicle. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that co-accused was granted bail and the petitioners are 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 (Crl. Side) for the respondent would submit that there are three accused in this case, in which the



petitioners are arrayed as A1 and A2. He would further submit that the petitioners along with the other accused were found in possession of 501 kgs of banned tobacco products worth about Rs.2,50,000/-. He would further submit that there are two previous cases against the petitioners and A2 was granted bail. However, he opposed to grant bail to the petitioners.

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

6. Considering the nature of offence and the number of days of incarceration undergone by the accused and the co-accused was released on bail by this Court, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 **Judicial Magistrate – II, Salem**, and on further conditions that:

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.



CRL O.P. No.19968 of 2024

WEB COPY

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners 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.

20.08.2024

ata

To

1.The Judicial Magistrate – II, Salem.

2.The Inspector of Police,
Pallapatty Police Station,
Salem District.

3.Central Prison, Salem.

4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.19968 of 2024

P.DHANABAL,J
ata

CRL.OP.No.19968 of 2024

20.08.2024