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CRL O.P. No.20162 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.20162 of 2024

G. Gowtham S/o. Gandhi

... Petitioner/1st Accused

Vs

State rep. by:-

The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
[Cr. No.245 of 2024]

... Respondent

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.245 of 2024 on the file of the respondent police.

For Petitioner : Mr. C.V. Kumar

For Respondent : Mr. S. Vinoth Kumar

Government Advocate

[Criminal side]

ORDER



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The petitioner/Accused, who was arrested and remanded to judicial custody on 02.08.2024 for the offences punishable under section 123 of B.N.S r/w Section 6 and 2(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 02.08.2024, the respondent police, while indulging in patrol duty, based on the secret information, went to the scene of occurrence at Hosur, Paagalur Road, Indhra nagar near Pallavi Super market, found the petitioner standing in front of the house and tried to escape on seeing the police and on suspicion, when the respondent police enquired him and found 104 kgs of banned Tobacco products kept in the house for selling in the petty shop 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 before the Principal Sessions Court, Krishnagiri was dismissed. The petitioner is ready to



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abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that on 02.08.2024 at Hosur, Paagalur Road, Indhra nagar near Pallavi Super market, the respondent police have found the petitioner standing in front of the house and tried to escape on seeing the police and on suspicion, when the respondent police enquired him and found 104 kgs of banned Tobacco products 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 against the petitioner, considering the quantity of materials involved in the case, considering the fact that no



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previous case is pending against the petitioner and the products were recovered and also taking into consideration the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[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 No.II, Hosur** 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



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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

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

To
1. The Judicial Magistrate No.II, Hosur.

2. The Inspector of Police,
Hudco Police Station,
Krishnagiri District.

P.DHANABAL,J
mjs

3.The Sub Jail, Hosur, Krishagiri District.

4.The Public Prosecutor, High Court, Madras.



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