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Crl.O.P.No.20181 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20181 of 2024

R.Thangavel
Petitioner/Accused

..

Vs.

The State rep by
The Inspector of Police,
Mangalam Police Station,
Tiruppur District
(Crime No.269 of 2024)
Respondent/Complainant

..

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Crime No.269 of 2024 on the file of respondent police.

For Petitioner : Mr.A.Muthuprakash

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2024 for the offences under Sections 7(1) and 20(2) of the Cigarette and Other Tobacco Products Act, 2003 and Sections 275 and 123 of the Bharatiya Nyaya Sanhita, 2023 in Crime No.269 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused 2 along with other accused were found to be in illegal possession of 552 kg of banned tobacco products in their vehicle. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He submitted that A1 and A3 are already enlarged on bail. Further, he submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused were found to be in illegal possession of 552 kg of banned tobacco in order to make an unlawful gain through illegal means. He also submitted that there is no previous case as against the petitioner. Hence, vehemently opposed to grant of bail to the petitioner.

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

6. Considering the rival submissions made on both sides, the quantity of material involved in this case and there is no previous case against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner and the co-accused are already released on bail, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of thirty days;

[b]the petitioner shall not abscond either during investigation or trial;

[c]the petitioner 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.Sub Jail, Tiruppur
- 3.The Inspector of Police,
Mangalam Police Station,
Tiruppur
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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