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CRL O.P. No.20117 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.20117 of 2024

1.Ayyappan

2.Karanraj

... Petitioners / Accused-1 & 2

Vs

State rep. by:-

The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.

... Respondent

[Cr. No.498 of 2024]

For Petitioners : Mr.M.Vijaya Ragavan

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. 498 of 2024 on the respondent police.



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.08.2024 for the offences punishable under Section 24(1) of COTPA Act and Section 123 of BNS, 2023, in Crime No.498 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 45 kgs of banned tobacco products in a vehicle bearing TN-33-BV-7312. 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 there are no previous cases pending against the petitioners 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 the petitioners were found in possession of 45 kgs of banned tobacco products worth about Rs.18,000/-. He would further submit that there are no previous cases pending as against the petitioners. 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 quantity of contraband seized and also taking into consideration the number of days of incarceration undergone by the accused and the fact that there are no previous cases pending against the petitioners, 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 No.5, Coimbatore**, and on further conditions that:

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

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



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trial.

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[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

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To

- 1.The Judicial Magistrate No.5, Coimbatore.
- 2.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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