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CRL O.P. No.20356 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20356 of 2024

Mohammed Abideen

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.

... Respondent

[Cr. No.268 of 2024]

For Petitioner : Ms.T.Kalpana Devi

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 Petitioner on bail in Crime No. 268 of 2024 on the respondent police.



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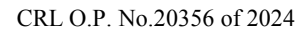
ORDER

The Petitioner, who was arrested and remanded to judicial custody on 07.07.2024 for the offences punishable under Section 24(1) of COTPA Act, 2003 and Sections 123 and 62 of BNSS, 2023, in Crime No.268 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 52 kgs of banned tobacco products worth about Rs.19,000/- in a vehicle bearing Regn.No.TN-11-4797. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has no previous cases against him. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner was found in possession of 52 kgs of banned tobacco products worth about Rs.19,000/-. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



6. Considering the nature of offence and the quantity of material involved in this case and that there is no previous case pending against the petitioner and the number of days of incarceration undergone by the petitioner, this Court is 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.1, Pollachi**, and on further conditions that:

[b] the Petitioner 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 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.



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[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 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.

22.08.2024

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To

- 1.The Judicial Magistrate No.1, Pollachi.
- 2.The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.
- 3.Sub Jail, Pollachi.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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