



WEB COPY



Crl.O.P.No.20835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20835 of 2024

Mohamed Iliyas

... Petitioner

Vs.

The State rep by
The Inspector of Police,
D-1, Triplicane Police Station
Chennai
(Crime No.266 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Crime No.266 of 2024 on the file of respondent police.

For Petitioner : Mr.V.Sathish

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

ORDER



Crl.O.P.No.20835 of 2024

The petitioner, who was arrested and remanded to judicial custody on 29.07.2024 for the offences under Section 24(1) of the Cigarette and Other Tobacco Products Act, 2003 and Section 123 of the Bharatiya Nyaya Sanhita, 2023 in Crime No.266 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 12.020 kgs of banned tobacco products and he was selling it to the general public. 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 further 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.

4. Learned Government Advocate (Crl.Side) submitted that the



Crl.O.P.No.20835 of 2024

petitioner was found in illegal possession of 12.020 kgs of banned tobacco products and was selling the same to the general public. He further submitted that there is no previous case pending as against the petitioner. However, objected to granting bail to the petitioner.

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

6. Considering the submissions made on both sides, the quantity of material involved in this case, and also taking into consideration the period of incarceration undergone by the petitioner and there is no previous case pending as against the petitioner, 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 only)** with two sureties, each for a like sum to the satisfaction of the court of *II Metropolitan Magistrate, Egmore, Chennai*, and on further conditions that:

[a]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



CrI.O.P.No.20835 of 2024

interrogation;

- [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.

28.08.2024

dhk

To

1.The II Metropolitan Magistrate



Crl.O.P.No.20835 of 2024

Egmore, Chennai

2. Central Prison, Puzhal

3. The Inspector of Police,
D-1, Triplicane Police Station
Chennai

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dhk



WEB COPY



Crl.O.P.No.20835 of 2024

Crl.O.P.No.20835 of 2024

28.08.2024