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CRL O.P. No.20855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20855 of 2024

1.Balraj
2.Karthik

... Petitioners / Accused

Vs

State rep. by
The Station House Officer,
Ramanatham Police Station,
Cuddalore District.

... Respondent

[Cr. No.176 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.176 of 2024, on the file of the respondent.

For Petitioners : Mr.Kannan.K

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 18.07.2024 for the offences punishable under Sections 275, 123 of BNS, r/w 24(1) of COTPA Act, in Crime No.176 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 18.07.2024, when the respondent was on regular vehicle checkup near Kizhaathanur bus stand, they found the petitioners in possession of banned tobacco products worth about Rs.99,000/- in a vehicle bearing Regn.No.TN-91-AZ-4905. 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 the petitioners have nothing to do with the alleged offence and there are no previous cases pending as against the petitioner and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners were found in possession of banned tobacco products worth about Rs.99,000/- in a vehicle bearing Regn.No.TN-91-AZ-4905. He would further submit that the contraband was seized and there are no previous cases pending as against the petitioners. However, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioners and that there are no previous cases pending against the petitioners and considering that the number of days of incarceration undergone by 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, Thittakudi, Cuddalore District**, and on further conditions that;



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[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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioners shall not abscond 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 petitioners 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To
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- 1.The Judicial Magistrate, Thittakudi, Cuddalore District.
- 2.The Station House Officer,
Ramanatham Police Station,
Cuddalore District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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