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CRL O.P. No.21059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21059 of 2024

1.Siva @ Sivanna

2.Naveen @ Naveenkumar

... Petitioners / Accused-2 & 3

Vs

State rep. by:-

The Inspector of Police,
Karuppur Police Station,
Salem District.

... Respondent

[Cr. No.8 of 2024]

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. 8 of 2024 on the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.08.2024 for the offences punishable under Section 7(1) of COTPA Act and Section 328 of IPC, in Crime No.8 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 04.01.2024, when the respondent police were on regular patrol duty, the petitioners were found in illegal transportation of 2425 kgs of banned tobacco products worth about Rs.20,00,000/-, by a lorry bearing Regn.No.TN-30-BT-7088. 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 are owners of the lorry and they have nothing to do with the alleged offence and the entire material was seized by the officials. He would further submit that co-accused were released on bail by this Court and the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for



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grant of bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners were found in illegal possession of 2425 kgs of banned tobacco products worth about Rs.20,00,000/- in a lorry bearing Regn.No.TN-30-BT-7088. He would further submit that there are two previous cases against the petitioners and the entire material was seized by the officials. 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 offences and that the entire material was already seized by the concerned authorities and also considering that though the petitioners are having two previous cases, they have been released on bail in all the cases and that the number of days of incarceration undergone by the accused and the co-accused were released on bail by this Court, this Court is inclined to grant bail to the petitioners



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subject to the following conditions:

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[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 – II, Salem**, and on further conditions that:

[b] the petitioners shall report before the Pallapatty Police Station, Salem, everyday at 10.30 a.m., until further orders.

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

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

[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.

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To



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- 1.The Judicial Magistrate – II, Salem.
- 2.The Inspector of Police,
Karuppur Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J



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