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CRL O.P. No.21026 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.21026 of 2024

P.Arunkumar

... Petitioner / Accused-1

Vs

State rep. by:-

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

... Respondent

[Cr. No.185 of 2024]

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. 185 of 2024 on the respondent police.

For Petitioner : Mr.P.Ramamurthi

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



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CRL O.P. No.21026 of 2024

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 19.07.2024 for the offences punishable under Sections 275, 123 of BNS r/w Sections 7(1), 20(2) of COTPA Act, 2003, in Crime No.185 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 56.850 kgs of banned tobacco products in sacks.

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 there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be 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 petitioner along with the other accused were found in



possession of 56.850 kgs of banned tobacco products. He would further submit that there is no previous case against the petitioner. 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 offence and the quantity of material involved in this case and that there is no previous case against the petitioner and the duration of custody undergone by the petitioner and all other aspects, 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 **District Munsif cum Judicial Magistrate, Edapaddy, Salem District**, 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.



CRL O.P. No.21026 of 2024

[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.

[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.

29.08.2024

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To



CRL O.P. No.21026 of 2024

1.The District Munsif cum Judicial Magistrate,
Edapaddy, Salem District.

2.The Inspector of Police,
Edappady Police Station,
Salem District.

3.Sub Jail, Sangagiri.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J



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CRL O.P. No.21026 of 2024

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CRL.OP.No.21026 of 2024

29.08.2024