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CRL O.P. No.21522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :11.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.21522 of 2024

1.S.Mathanagopal S/o.Sivakumar
2.Jayakumar S/o.Pandurangam

... Petitioners

Vs

State rep. by:-

The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
[Cr. No.212 of 2024]

... Respondent

For Petitioners : Mr.R.Dineshkumar
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioners in Crime No.212 of 2024 on the file of the respondent police.



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ORDER

The petitioners/accused, who were arrested and remanded to judicial custody on 13.08.2024 for the offence punishable under Sections 281, 125(a), 123 of BNS and under Section 7 of the Cigarette and other Tobacco Products Acts, 2003, in Crime No.212 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were arrested and remanded to judicial custody on 13.08.2024, for illegal transportation of tobacco products worth about Rs.1,39,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocents and a false case has been foisted against them. They are in judicial custody for more than 25 days. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioners were arrested and remanded to judicial custody on 13.08.2024 for illegal transportation of tobacco products worth about Rs.1,39,000/-.



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She would further submit that there is no previous case pending against the petitioners. Hence she opposed to grant bail to the petitioners.

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

6. Considering the representation made on either side and considering the fact that the investigation was completed and no previous case is pending against the petitioners and also considering the nature of offence and quantity of material involved in this case and also co-accused was released on bail, I am 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 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 learned ***Judicial Magistrate No.II Court, Dharmapuri, Dharmapuri District***, and on further conditions that:

[b] the petitioner shall report ***before the respondent police on***



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every Saturday for a period of four weeks.

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[c] the petitioner shall attend in accordance with the conditions of the bond.

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

[e] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

[f] the petitioner 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 or tamper with the evidence.

[g] 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].



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

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
ssa

To

- 1.The Judicial Magistrate No.II Court, Dharmapuri, Dharmapuri District.
- 2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
- 3.The Sub Jail, Dharmapuri, Dharmapuri District.
- 4.The Additional Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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