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CRL O.P. No.21928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21928 of 2024

1. Dhasarathan,
S/o.Moorthy

2. Suresh,
S/o.Moorthy

... Petitioners

Vs

State rep. by:-

The Inspector of Police,
Poonamallee Police Station,
Chennai.
[Cr.No.630 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioners/Accused in Crime No.630 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Marshall

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



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CRL O.P. No.21928 of 2024

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.08.2024 for the offences punishable under sections 123,274, 275 of BNS Act, 2023 & r/w.24(i) of Cigarette and other Tobacco Products Act, 2003 in Crime No.630 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.08.2024, the respondent police was conducted routine checkup at Poonamalle high way road, at that time the respondent police found the petitioners in illegal possession of banned tobacco products worth about Rs.75,000/-. Hence the case.

3. The learned counsel for the petitioners would contend that these petitioners not at all connected or involved in the said offence. These petitioners have been falsely implicated in this case. These petitioners are innocent persons and they have nothing to do with the commission of alleged offences and they are ready to abide by any condition imposed by this Court. Hence, he seek bail to the petitioners.



CRL O.P. No.21928 of 2024

4. The learned Government Advocate (Criminal Side) would submit that the respondent police has conducted routine vehicle checkup at that time they found the petitioners in illegal possession of banned tobacco products. The total value of the seized tobacco product is Rs.75,000/-. There is no previous case as against these petitioners. In this case, these petitioners were arrested and remanded to judicial custody on 15.08.2024. Hence, he objected to grant bail to the petitioners.

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

6. Considering the rival submissions on either side and considering the nature of offence and the quantity of material involved in this case, these petitioners does not have any previous case and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:



CRL O.P. No.21928 of 2024

[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) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court-II, Poonamallee** and on further conditions that:

[b] the petitioners shall report before the respondent police on every Saturday at 10.00 a.m. for the period of four weeks;

[c] the petitioners shall attend in accordance with the conditions of the bond;

[d] the petitioners shall not commit any offence similar to the offence of which they are accused; or suspected, or of the commission of which they are suspected; and

[e] 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 or tamper with the evidence;



CRL O.P. No.21928 of 2024

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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].

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

06.09.2024

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



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CRL O.P. No.21928 of 2024

P.DHANABAL,J

gvn

To

- 1.The Judicial Magistrate Court-II,
Poonamallee.
2. The Inspector of Police,
Poonamallee Police Station,
Chennai.
3. Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.21928 of 2024

06.09.2024