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CRL O.P. No.22001 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.22001 of 2024

R.Naveen,
S/o.Rajamanickam

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
R-5, Virukambakkam Police Station,
Virukambakkam,
Chennai.
[Cr.No.410 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.410 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Vasanth

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2024 for the offences punishable under section 24(1) of the Cigarette and other Tobacco Products Act, 2003 and under sections 274, 275, 123 of BNS Act, 2023 and under Section 77 of the Juvenile Justice and Protection of Children Act, 2015 in Crime No.410 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police conducted raid in the Shas Juice Corner, Kaliyamman Koil Street, Virukambakkam and they found the petitioner in illegal possession of Zarda and Gutka for the purpose of sale. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner not at all connected or involved in the said offence. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the respondent police conducted raid at petty shop and they found illegal possession of Zarda and Gutka. The said contraband was illegally sold to the school and college going students. The other co-accused was arrested and subsequently released on bail. In this case, this petitioner was arrested and remanded to judicial custody on 20.08.2024. Hence, he objected to grant bail to the petitioner.

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 contraband involved in this case, already co-accused was arrested and subsequently released on bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 learned **XXIII Metropolitan Magistrate, Saidapet, Chennai District** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. for the period of four weeks;

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

[d] 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; and

[e] 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;

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



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[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].

[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
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P.DHANABAL,J

gvn

To

- 1.The XXIII Metropolitan Magistrate, Saidapet,
Chennai District.
2. The Inspector of Police,
R-5, Virukambakkam Police Station,
Virukambakkam,
Chennai.
3. Sub-Jail, Saidapet, Chennai.
4. The Public Prosecutor,
High Court, Madras.

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