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CrI.O.P.No22737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.No.22737 of 2024

Dinesh Jebastin

...Petitioner/Accused

Vs.

The State Rep by,
The Inspector of Police,
Avinashi Police Station,
Tiruppur.
(Crime No.571 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.571 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Thinesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2024 for the offences under Section 123 of the BNS Act and Section 20(2) of the COTPA Act, in Crime No.571 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, was found in illegal possession of 19.280 kgs of banned tobacco products. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 30.08.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner was found in illegal possession of 19.280 kgs of banned tobacco products. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, the quantity of the material involved in this case, that there are no previous cases pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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



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learned *Judicial Magistrate, Avinashi, Tiruppur*, and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of thirty (30) days and thereafter, as and when required for the interrogation;

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

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

[d] 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;

[e] the petitioner shall not abscond 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



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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]; and

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

19.09.2024

dk

To

- 1.The Judicial Magistrate,
Avinashi,
Tiruppur.
- 2.The Superintendent of Prison,
Central Prison,
Tiruppur
- 3.The Inspector of Police,
Avinashi Police Station,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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