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Crl.O.P.No.22416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22416 of 2024

1. P.Kannappan

2. M.Perumal

...Petitioners/Accused No.1 and 2

Vs.

State represented by
Inspector of Police
D3, Podanur Police Station,
Coimbatore
Crime No.164 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.164 of 2024 on the file of respondent police.

For Petitioners : Mr.R.Balakrishnan

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

ORDER



Crl.O.P.No.22416 of 2024

WEB COPY

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 29.07.2024 for the offences under Sections 6(b), r/w 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 and Section 123 of the Bharatiya Nagarik Suraksha Sanhita in Crime No.164 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners, along with other accused, were found in illegal possession of 232 Kgs of banned tobacco products. Hence, the case.

3. Learned counsel for the petitioners/A1 and A2 submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners had been in custody since 29.07.2024; that they are law-abiding citizens; that they are ready to furnish substantial sureties for their due release on bail; and therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) for the respondent



CrI.O.P.No.22416 of 2024

police submitted that the petitioners were found in illegal possession of 232 Kgs of banned tobacco products, which are worth about Rs.79,000/- (Rupees Seventy Nine Thousand only); and that there are no previous cases pending against the petitioners. However, he vehemently opposed granting bail to the petitioners.

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

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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the



CrI.O.P.No.22416 of 2024

learned *District Munsif – Cum – Judicial Magistrate, Madukkarai* and

on further conditions that:

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

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

[d] 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the



CrI.O.P.No.22416 of 2024

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.

12.09.2024

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To

- 1.The District Munsif – Cum – Judicial Magistrate,
Madukkarai
- 2.The Superintendent of Prison
Central Prison Coimbatore.
- 3.The Inspector of Police
D3, Podanur Police Station
Coimbatore.
- 4.The Public Prosecutor
High Court of Madras.

P.DHANABAL, J.

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Crl.O.P.No.22416 of 2024

Crl.O.P.No.22416 of 2024

12.09.2024