



CRL O.P. No.22559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22559 of 2024

Durgadevi

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
P-2, Otteri Police Station,
Chennai.

(Crime No.809 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.809 of 2024, on the file of the respondent.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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CRL O.P. No.22559 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.08.2024 for the offences punishable under Section 24(1) of COTPA Act, 2003 and Section 123 of BNS, 2023, in Crime No.809 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 27.08.2024 at about 11.30 hours, when the respondent police was on regular patrol, the petitioner was found in illegal possession of 3 kgs of banned tobacco products worth about Rs.3000/- in a gunny bag. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 27.08.2024. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner was found in possession of 3kgs of banned tobacco products worth about Rs.3000/- in a gunny bag. He would further submit that there is one previous case against the petitioner and the material was recovered. Hence, he raised serious objection to grant bail to the petitioner.

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

6. Considering the nature of offences and the quantity of material involved in this case and also considering the number of days of incarceration undergone by the petitioner and that though the petitioner is having one previous case, he was granted bail in that case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[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 **V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that;



CRL O.P. No.22559 of 2024

[b] the Petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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;

[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 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 B.N.S.

12.09.2024

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CRL O.P. No.22559 of 2024

To

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- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
- 3.Special Prison for Women, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.22559 of 2024

P.DHANABAL,J.
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CRL.OP.No.22559 of 2024

12.09.2024