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Crl.O.P.No.23942 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.23942 of 2024

Sabarish

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
(Crime No. 639 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.639 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.T.Saravanan

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial
custody on 03.09.2024, for the alleged offence punishable under Sections



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275, 123 of BNS Act and 6(a), 24(1) of COTPA Act and 7, 9(ii) of TN Prohibition of Smoking and Spitting Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.639 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.09.2024, at about 9.00 a.m., when the *de-facto* complainant and his team were on their routine patrol duty, they found that the petitioner along with other accused was found in illegal possession of banned tobacco products, worth about Rs.1,45,000/-. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was released on bail by this Court. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that on the date of the alleged occurrence, when the respondent police and his team were on their routine patrol duty, at that time, the defacto complainant stopped the car, and during the search, they found that the petitioner along with other accused was found in illegal possession of banned tobacco products, worth about Rs.1,45,000/-. He would further submit that the petitioner has no previous case, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence charged against the petitioner, considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case, pending against him, co-accused was also released on bail by this Court and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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



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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 District Munsif cum Judicial Magistrate, Vanur, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

15.10.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Vanur.
- 2.The Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
- 3.The Superintendent,
Sub Jail, Tindivanam, Villupuram District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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