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CrI.O.P.No.24282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.24282 of 2024

1. Bathmanaban

2. Rajesh

...Petitioner/Accused 1 & 2

Vs.

State rep by
The Station House Officer
Kallakurichi Police Station
Kallkurichi District.
(Crime No.671 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 671 of 2024 on the file of the respondent.

For Petitioners : Mr. V.Gunasekar

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 19.09.2024 for the offences under Sections 24(1) of COPTA Act, read with Section 123 of BNS in Crime No.671 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of tobacco products worth about Rs.85,000/-. Hence, the case.

3. Learned counsel for the petitioner 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 are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

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



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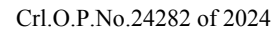
respondent police submitted that the petitioners were arrested and remanded to judicial custody on 19.09.2024 for the illegal possession of banned tobacco products worth about Rs.85,000/- and hence he objected to grant bail to the petitioner. He further submitted that there are no previous case against the petitioners.

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

6. Considering the submissions made on both sides, the quantity of material involved in this case and the fact that the quantity of the contraband seized and that there are no previous case 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:

[a]. 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 learned *Judicial Magistrate No.I, Kallakurichi*, and on further conditions that:

[b] the petitioners shall report before the respondent police



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

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

[e] The petitioners shall not abscond either during investigation or trial;

[f] 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 evidence;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

01.10.2024

vsg

To

1.Judicial Magistrate No.I, Kallakurichi.

2.Sub Jail, Kallakurichi.

3.The Station House Officer
Kallakurichi Police Station
Kallkurichi District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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