



Crl.O.P.No.24383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.24383 of 2024

1. Govindsingh

2. Devaraj Singh

...Petitioners

Vs.

State rep by
The Inspector of Police
Mallur Police Station,
Salem District
(Crime No.302 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.302 of 2024 on the file of respondent police.

For Petitioner : Mr.P.M. Jayachandran

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

ORDER



Crl.O.P.No.24383 of 2024

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 21.09.2024 for the offences under Sections 123 and 336(3) of BNS 2023 and under Section 7 and 20(2) of COTPA 2003 and Sections 52 and 59 of Food Safety and Standards Act 2006 in Crime No.302 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in possession of 390 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 21.09.2024 ; 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.



Crl.O.P.No.24383 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner along with other accused were in possession of of 390 kgs of banned tobacco products. He further submitted that there is no previous cases pending against the petitioner.

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

6.Considering the representation made on both sides and also considering the quantity of material involved in this case and taking note of the fact that there is 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 learned Judicial Magistrate No.VI, Salem and on further conditions that:



WEB COPY



CrI.O.P.No.24383 of 2024

(a) the petitioners shall report before the respondent police everyday at 10.30 a.m until further orders.

[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 he is accused, or suspected, or of the commission of which he is 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 him 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.24383 of 2024

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

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

03.10.2024

smn

To

1.The Judicial Magistrate No.VI, Salem

2. The Inspector of Police
Mallur Police Station,
Salem District.

2.The Central Jail, Salem

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.24383 of 2024

smn

Crl.O.P.No.24383 of 2024

03.10.2024