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CRL O.P. No.24606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24606 of 2024

Kulanthaivel

... Petitioner / Accused-1

Vs

State rep. by
The Inspector of Police,
Puzhal Police Station,
Thiruvallur District.

(Crime No.709 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.709 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Chandrasekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2024, for the offences punishable under Section 123 of BNS, 2023, Section 24(1) of COTPA Act and Section 20(b)(ii)(A) of NDPS Act, in Crime No.709 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that on 13.09.2024 at about 11.00 hours, based on a secret information, the respondent police went to the scene of occurrence and found the petitioner in possession of 1.800 kgs of banned tobacco products and 200 gms of ganja. 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 judicial custody from 13.09.2024. He would submit that the petitioner is ready to abide by any stringent 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) would submit that the petitioner was found in possession of 1.800 kgs of banned tobacco products and 200 gms of ganja. He would further submit that there are 15 previous cases against the petitioner. Hence, he vehemently opposed 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 is not a commercial quantity and that though the petitioner is having some previous cases, all are not similar kind of offences and he was granted bail in all the cases and also taking into consideration the number of days of incarceration undergone by the petitioner, 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 **District Munsif cum Judicial Magistrate, Madhavaram**, and on further conditions that;



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[b] the Petitioner shall report before the District Munsif cum Judicial Magistrate, on all working days at 10.30 a.m., until further orders.

[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.

03.10.2024

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To
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- 1.The District Munsif cum Judicial Magistrate, Madhavaram.
- 2.Central Prison, Puzhal.
- 3.The Inspector of Police,
Puzhal Police Station,
Thiruvallur District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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