



Crl.O.P.No.24925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.24925 of 2024

1. Gopinath

2. Janakiraman

...Petitioners/Accused

Vs.

The State rep by
Inspector of Police,
M1 Madhavaram Police Station,
Chennai – 600 110.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No.747 of 2024 on the file of the respondent.

For Petitioners : Mr.V.Karthick

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.09.2024 for the offences under Sections 274, 275, 123 of BNS Act, 2023 r/w 24(1) of COTPA Act, 8(c), 20(b)(ii)(A), 29(1) of NDPS Act, in Crime No.747 of 2024, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 10 packets of banned tobacco products and 200 grams of Ganja. Hence, the case.

3. Learned counsel for the petitioners 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.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioners were found in possession of 10 packets of banned tobacco products and 200 grams of Ganja. He would further submit that there is no previous case as against the 1st petitioner and there are nine previous cases as against the 2nd petitioner in the nature of IPC offence and not similar kind of offence. Hence, he vehemently opposed for grant of bail to the petitioners.

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

6. Considering the submissions made on both sides, nature of offence, and the quantity of contraband involved in this case and no previous case against the 1st petitioner and though the 2nd petitioner is having nine previous cases, all the cases not similar kind of offence, and also considering the period of incarceration suffered by these 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



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satisfaction of the learned *District Munsif cum Judicial Magistrate, Madhavaram*, and on further conditions that:

[b] the petitioners shall report before the concerned NDPS Court, daily at 10.30 a.m., until further orders;

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

14.10.2024

smv

To

1. The District Munsif cum Judicial Magistrate, Madhavaram.
2. Central Prison, Puzhal-II.
3. The Inspector of Police,
M1 Madhavaram Police Station,
Chennai – 600 110.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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