



WEB COPY



Crl.O.P. No.25169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25169 of 2024

1. Sumithra

2. Desam

3.Rashitha

...Petitioners/ A1 to A3

Vs.

The State rep by
Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

(Crime No.527 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.527 of 2024 on the file of the respondent police.

For Petitioners : Mr.N.Yuganathan

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



WEB COPY



Crl.O.P. No.25169 of 2024

ORDER

The petitioners / A1 to A3, who were arrested and remanded to judicial custody on 26.09.2024 for the offences punishable under Sections 275, 132, 351(2) of BNS and 6(a), 24(1) of COTPA Act and 7, 9(ii) of TNPSS Act and 77 of JJ Act, in Crime No.527 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on receipt of secret information, the respondent police had went to the spot, where they found that the petitioners were in illegal possession of banned tobacco products, which had been seized. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not involved in any of the offences as alleged by the prosecution and they have been falsely implicated in this case by the respondent police. Hence, he seeks for grant of bail to the petitioners.



Crl.O.P. No.25169 of 2024

4. The learned Government Advocate (Criminal Side) would submit that the 1st petitioner was found in possession of 670 grams of banned tobacco products, the 2nd petitioner was found in possession of 450 grams of banned tobacco products and the 3rd petitioner was found in possession of 350 grams of banned tobacco products. There is no previous case as against these petitioners. However, the learned Government Advocate (Criminal Side) vehemently opposed for grant of bail to the petitioners.

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

6. Considering the rival submissions on either side, the quantity of contraband involved in this case is not a commercial quantity, there is no previous case against these petitioners and also considering other aspects, this court is inclined to grant bail to the petitioners, subject to the following 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 *XV Metropolitan Magistrate, George Town, Chennai*, and on



Crl.O.P. No.25169 of 2024

further conditions that:

WEB COPY [b] the petitioners shall report before the respondent police 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 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



Crl.O.P. No.25169 of 2024

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

18.10.2024

smv

To,

1.The XV Metropolitan Magistrate, George Town, Chennai.

2.The Central Prison, Puzhal - II, Chennai.

3.Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P. No.25169 of 2024

P. DHANABAL, J.

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Crl.O.P.No.25169 of 2024

18.10.2024