



WEB COPY



CRL O.P. No.25184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25184 of 2024

1.Santhoshkumar
2.Vishal Yadev

... Petitioners / Accused

Vs

State rep. by
The Inspector of Police,
G-2, Periamet Police Station,
Chennai.

(Crime No.218 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 Petitioners on bail in Crime No.218 of 2024 on the file of the respondent police.

For Petitioners : Mr.M.Illiyas

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



WEB COPY



CRL O.P. No.25184 of 2024

ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.09.2024, for the offences punishable under Section 123 of BNS, 2023 r/w Sections 6(a), 6(b), 24(1) of COTPA Act and Section 77 of JJ Act, in Crime No.218 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners were indulged in the illegal sale of banned tobacco products to the school going children and others. Based on the secret information, the respondent police went to the place of occurrence and found the accused in possession of 141 kgs of banned tobacco products worth about Rs.7,96,000/-. Hence, the case.

3.The learned counsel for the petitioners seeks permission of this Court to withdraw the bail application as against the 2nd petitioner since he was granted bail by this Court in Crl.O.P.No.25027 of 2024 by order dated 14.10.2024. The learned counsel for the petitioners would submit



CRL O.P. No.25184 of 2024

that the 1st petitioner is innocent and he has been falsely implicated in this case. He would further submit that the 1st petitioner is no way connected with the alleged offence. He would further submit that the 1st petitioner has been in custody from 26.09.2024. He would further submit that there is no previous case against the 1st petitioner. He would also 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 1st petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with the other accused were found in possession of banned tobacco products worth about Rs.7,96,000/-. He would further submit that there is no previous case against the 1st petitioner. However, he vehemently opposed to grant bail to the 1st petitioner.

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



6. Since the 2nd petitioner was already granted bail by this Court in Crl.O.P.No.25027 of 2024 by order dated 14.10.2024 and the learned counsel for the petitioners sought to withdraw the bail application of the 2nd petitioner, the bail application is dismissed as against the 2nd petitioner.

7. Considering the nature of offences charged against the 1st petitioner and that no previous case is pending against the 1st petitioner and also considering that the number of days of incarceration undergone by the 1st petitioner, this Court is inclined to grant bail to the 1st petitioner alone, subject to the following conditions:

[a] Accordingly, the 1st 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 **II Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that;

[b] the 1st Petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the 1st 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;



CRL O.P. No.25184 of 2024

[d] the 1st 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 1st 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 1st Petitioner in accordance with law as if the conditions have been imposed and the 1st 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.

14.10.2024

ata

To

1.The II Metropolitan Magistrate, Egmore, Chennai.

2.Central Prison, Puzhal, Chennai.

3.The Inspector of Police,
G-2, Periamet Police Station,
Chennai.

4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.25184 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.25184 of 2024

14.10.2024