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Crl.O.P.No.25163 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.25163 of 2024

G. Balasubramani

...Petitioner

Vs.

The State rep by
Inspector of Police
Kolathur Police Station,
Salem District
(Crime No.269 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.269 of 2024 on the file of respondent police.

For Petitioner : Mr.D. Padmanabhan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2024 for the offences under Sections 20(2) of COTPA Act 2003 and Section 123 of BNS in Crime No.269 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 found in illegal possession of 407 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 11.09.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail. **He further submitted that the petitioner does not present in the scene of occurrence** and prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner along with other accused were found illegal possession of 407 kgs of banned tobacco products He further submitted that there is two previous case pending against the petitioner.

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

6.Considering the representation made on both sides and thefact that the petitioner was not present in the scene of occurrence there is no previous case 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.01, Mettur** and on further conditions



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that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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



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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

smn

To

1.The **Judicial Magistrate No.01, Mettur**

2.The Superintendent, Sub Jail, Omalur

3.Inspector of Police
Kolathur Police Station,
Salem District

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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