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Crl.O.P.No.25673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25673 of 2024

P.Kothandan

...Petitioner/Accused

Vs.

The State represented by
The Sub Inspector of Police,
Arakkonam Taluk P.S.,
Ranipet District
(Crime No.464 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 464 of 2024 on the file of the respondent police.

For Petitioner : Mr. A.Vijaya Sankar

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



CrI.O.P.No.25673 of 2024

WEB COPY

ORDER

The petitioner, who was arrested on 26.09.2024 and remanded to judicial custody on the same day for the offences under Sections 275, 123 of BNS 2023 and 24(1) COTPA Act, 2003, in Crime No. 464 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 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 and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.25673 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was arrested and remanded to judicial custody on 26.09.2024 for the illegal possession of banned tobacco products, namely, 15 packets of Hans, 8 packets of CoolLip, 4 packets of Chini and MDM 80 packets, totally weighing 0.539 grams and hence he objected to grant bail to the petitioner. He further submitted that there are six previous cases against the petitioner and the contraband was recovered.

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

6. Considering the rival submissions on either side and considering the nature of offences and the quantity of the contraband recovered and that though the petitioner is having 6 previous cases, in those cases, he was granted bail and also considering the period of incarceration underwent by the petitioner from 26.09.2024, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a]. 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 court



CrI.O.P.No.25673 of 2024

of *Judicial Magistrate No.1, Arakkonam*, and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for 30 days;

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

[d] The petitioner 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 petitioner shall not abscond either during investigation or trial;

[f] 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 evidence;



CrI.O.P.No.25673 of 2024

WEB COPY

[g] on breach of any of the aforesaid conditions, the learned 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

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

21.10.2024

vsg

To

1.Judicial Magistrate No.I, Arakkonam.

2.Sub Jail, Arakkonam.

3.The State represented by
The Sub Inspector of Police,
Arakkonam Taluk P.S.,
Ranipet District

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25673 of 2024

P.DHANABAL, J.

vsg

Crl.O.P.No.25673 of 2024

21.10.2024