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Crl.O.P.No.25844 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.25844 of 2024

1. Muruganantham

2. Ramachandran

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(Crime No.225 of 2024)

... Respondent

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.225 of 2024 on the file of respondent police.

For Petitioners : Mr.N. Palanivel

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 29.09.2024 for the offences under Sections 123 of BNS Act r/w 24(1) of Cigarette and other Tobacco Products Acts, 2003 in Crime No.225 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of banned tobacco products worth about Rs.3,000/- Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and is in judicial custody from 29.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioners by stating that the petitioners were found in possession of banned tobacco products worth about Rs.3,000/-. He further submitted that



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there are no previous case pending against the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made on both sides, nature of offence, the quantity of material involved in this case and there is no previous case pending against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on is 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 District Munsif Cum Judicial Magistrate, Vedaranyam and on further conditions that:-

[a] the petitioners shall report before the respondent police everyday at 10.30 a.m for a period of 30 days and thereafter as and when required for interrogation.

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



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[c] the Petitioners 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 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 the evidence;

[e] the Petitioners 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 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

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 269 B.N.S.

19.10.2024

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To

- 1.The District Munsif Cum Judicial Magistrate, Vedaranyam
2. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
- 3.The Superintendent,
District Prison, Nagapattinam
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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