



Crl.O.P.No.26022 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.26022 of 2024

Samir Jana

...Petitioner/Accused

Vs.

State rep. by
Inspector of Police
Hosur Town Police Station,
Krishnagiri District.
Cr.No. 549 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Cr.No. 549 of 2024 on the file of the respondent police.

For Petitioner : Mr. C.V.Kumar

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



CrI.O.P.No.26022 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.09.2024 for the offences under Sections 275 & 123 of BNS and Section 24(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.549 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products worth about Rs.5,000/-. 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.26022 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 29.09.2024 for the illegal possession of banned tobacco products worth about Rs.5,000/- and hence he objected to grant bail to the petitioner. He further submitted that there are two 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 there are two previous cases against the petitioner, in those cases, he was granted bail and also considering the period of incarceration underwent by the petitioner from 27.09.2024, 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 of **Judicial Magistrate-II, Hosur, Krishnagiri District** and on further



CrI.O.P.No.26022 of 2024

conditions that:

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

[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;

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



CrI.O.P.No.26022 of 2024

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-II, Hosur, Krishnagiri District.
2. Sub Jail, Hosur, Krishnagiri District.
3. The Inspector of Police
Hosur Town Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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Crl.O.P.No.26022 of 2024

vsg

Crl.O.P.No.26022 of 2024

21.10.2024