



CRL O.P. No.25739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25739 of 2024

1.Mohammed Kamrudeen
2.Noor Mohamed
3.Mohammad Parwez

... 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.D. Chandra Sekar

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



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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. Learned counsel for the petitioners submitted that the petitioners are an innocent person, they have not committed any offence as alleged by the prosecution, and they have been falsely **implicated in this case and co accused in this case was already granted bail.** He would



further submit that the petitioners are arrested and is in judicial custody from 26.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the 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 petitioners. However, he vehemently opposed to grant bail to the petitioners.

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

6. Considering the submission of the learned counsel on either side, the nature of offence, considering the period of incarceration undergone by the petitioners and co-accused in this case was already granted bail and also taking note of the fact that there is no previous case against the petitioners and also considering all others factors, I am



inclined to grant bail to the petitioners, subject to certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail on his 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 II Metropolitan Magistrate, Egmore, Chennai 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.

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

[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



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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 registered under Section 269 B.N.S.

19.10.2024

smn

To

- 1.The II Metropolitan Magistrate, Egmore, Chennai
- 2.Central Prison at Puzhal, Chennai.
- 3.The Inspector of Police,
G-2, Periamet Police Station,
Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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