



Crl.O.P.No.26003 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.26003 of 2024

Sivabalan

...Petitioner/Accused

Vs.

State rep. by
Sub Inspector of Police,
Brammadesam Police Station
Thiruvannamalai District.
Cr.No. 284 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. 284 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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



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CrI.O.P.No.26003 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2024 for the offence under Section 123 of BNS 2023 read with Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.284 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.500/-. 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.26003 of 2024

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was arrested and remanded to judicial custody on 13.10.2024 for the illegal possession of banned tobacco products worth about Rs.500/- and hence he objected to grant bail to the petitioner. He further submitted that there is no previous case 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 there is no previous case against the petitioner and also considering the period of incarceration underwent by the petitioner from 13.10.2024, 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



Crl.O.P.No.26003 of 2024

of **Judicial Magistrate, Cheyyar, Thiruvannamalai District** and on further conditions that:

[b] the petitioner shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks;

[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.26003 of 2024

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[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, Cheyyar, Thiruvannamalai District.
2. Central Prison, Vellore.
3. The Sub Inspector of Police,
Brammadesam Police Station
Thiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26003 of 2024

P.DHANABAL, J.

vsg

Crl.O.P.No.26003 of 2024

21.10.2024