



Crl.O.P.No.26250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.26250 of 2024

Chinnarasu

...Petitioner/Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

...Respondent/Complainant

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.1111 of 2024 on the file of respondent police.

For Petitioner : Mr.M.Illiyas

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.10.2024 for the offences under Sections 275, 123 of the BNS and under Section 7, 9(ii) of the TN Prohibition of Smoking & Spitting Act, 2003 u/s 6, 24(1) of the COTPA Act, 2003 in Crime No.1111 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, which were worth about Rs.49,000/-. Hence the complaint.

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. He further submitted that the petitioner has been in custody since 08.10.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner was found in illegal possession of banned tobacco products, which were worth about Rs.49,000/-. He further submitted that one previous case is pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences, that though the petitioner has one previous case, in that case, bail was granted to him and also considering the incarceration period undergone by the petitioner from 08.10.2024, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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 learned *XV Metropolitan Magistrate, George Town, Chennai*, and on further conditions that:

[a] the petitioner shall report before the respondent



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police daily at 10.30 a.m. for a period of thirty days and thereafter, as and when required for the interrogation;

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

[c] the petitioner 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 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 the evidence;

[e] the petitioner 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 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.



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State of Kerala [(2005)AInR SCW 5560]; and
[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of the B.N.S.

23.10.2024

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To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Superintendent of Prison,
Central Prison,
Puzhal.
3. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
- 4.The Public Prosecutor,
Puducherry.

P.DHANABAL, J.



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