



Crl.O.P.No.27303 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.27303 of 2024

1. Aravindh
S/o.Krishnan

2. Vinoth
S/o.Sakthi

...Petitioners

Vs.

State rep. by
Inspector of Police
Rathinapuri Police Station
Coimbatore City
(Crime No.291 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.291 of 2024 on the file of respondent police.

For Petitioners : Mr.Ponraj

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



WEB COPY



Crl.O.P.No.27303 of 2024

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.10.2024 for the offences under Sections 123 and 275 of BNS and 7(1) and 24(1) of COTPA, in Crime No.291 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.10.2024, the petitioners along with two other accused were in illegal possession of banned Tobacco products worth about Rs.77,000/-. Hence, this case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners have been in custody since 08.10.2024; that they are a law-abiding citizens; that they are ready to furnish substantial sureties for their due release on bail. Therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) opposes the grant of



CrI.O.P.No.27303 of 2024

WEB COPY
bail to the petitioners stating that the petitioners/A2 and A3 along with two other accused were in illegal possession of banned Tobacco products worth about Rs.77,000/-. He further submitted that there is no previous case against the petitioners.

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

6. Considering the nature of offence, there is no previous case pending against the petitioners, and considering the period of incarceration undergone by the petitioners from 08.10.2024, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate No.II, Coimbatore** and on further conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders, without fail.



WEB COPY



CrI.O.P.No.27303 of 2024

[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 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



WEB COPY



CrI.O.P.No.27303 of 2024

[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 B.N.S.

29.10.2024

ksa-2

To

- 1.The Judicial Magistrate No.II,
Coimbatore
- 2.The Superintendent of Prison,
Central Jail, Coimbatore
- 3.Inspector of Police
Rathinapuri Police Station
Coimbatore City
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27303 of 2024

P.DHANABAL, J.

ksa-2

Crl.O.P.No.27303 of 2024

29.10.2024