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Crl.O.P.No.27224 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.27224 of 2024

Rajeshkhan

...Petitioner

Vs.

State represented by S.H.O.
The Inspector of Police
Kallakurichi Police Station
Kallakurichi District
(Crime No.713 of 2024)

...Respondent

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.713 of 2024 on the file of respondent police.

For Petitioner : Mr.B.Vasudevan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.10.2024 for the offences under Section 123 of BNS read with 24(1) of COTPA Act, in Crime No.713 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.10.2024, A1 and A2 were found in illegal possession of banned tobacco products weighing 16.446 kgs. and on enquiry, it was found that one Babu/A3 had given them Rs.12,500/- and instructed to purchase tobacco products from the petitioner herein/A4. Subsequently, the petitioner was arrested and based on his confession one Nedumaran/A5 was arrested and tobacco products were also seized from him. Hence, this 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. He further submitted that the petitioner has been in custody since 09.10.2024; that



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he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail. Therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner stating that A1 and A2 were found in illegal possession of banned tobacco products worth about Rs.14,700/- and based on their confession, A3, A4/petitioner herein and A5 were implicated. However, he submitted that no recovery was effected from the petitioner and that there is no previous case against the petitioner.

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

6. Considering the nature of offence and the fact that the petitioner has been implicated in this case based on confession of co-accused, no contraband was recovered from the petitioner and there is no previous case against the petitioner, and considering the period of incarceration undergone by the petitioner from 09.10.2024, and also considering all



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others factors, I am inclined to grant bail to the petitioner, subject to 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 Judicial Magistrate No.I, Kallakurichi**, and on further conditions that:

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

[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



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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. 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.

29.10.2024

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To

- 1.The Judicial Magistrate No.I
Kallakurichi
- 2.The Superintendent of Prison,
Sub Jail, Cuddalore
3. The Inspector of Police
Kallakurichi Police Station
Kallakurichi District
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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