



Crl.O.P.No.27225 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

**THE HON'BLE MR. JUSTICE P.DHANABAL**

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1. Veeran

2. Babu

...Petitioners

Vs.

State rep. by  
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 petitioners on bail in Crime No.713 of 2024 on the file of respondent police.

For Petitioners : Mr.K.Prabakar

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

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## **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 09.10.2024 for the offences under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.713 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.10.2024, the 1<sup>st</sup> petitioner/A1 and A2 were found in possession of 16.4 kgs. of banned tobacco products and based on the confession of A1, the 2<sup>nd</sup> petitioner/A3 and A4 were arrested. Later on the confession of A4, 64kgs. of banned tobacco products found in the godown of A4 were recovered and 1.1 kgs. of Hans packets were recovered from A5. 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



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further submitted that the petitioners have been in custody since 09.10.2024; 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 bail to the petitioners stating that on the date of occurrence, the 1<sup>st</sup> petitioner/A1 and A2 were found in possession of 16.4 kgs. of banned tobacco products and based on the confession of A1, the 2<sup>nd</sup> petitioner/A3 and A4 were arrested. Later on the confession of A4, 64kgs. of banned tobacco products found in the godown of A4 were recovered and 1.1 kgs. of Hans packets were recovered from A5. 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 and the fact that there is no previous case pending against the petitioners, and considering the period of incarceration undergone by the petitioners from 09.10.2024, and also



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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.I, Kallakurichi** and on further conditions that:

[a] the petitioners shall report before the respondent police daily 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



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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

[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, Kallakurichi
- 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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