



Crl.O.P.No.28450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28450 of 2024

Elango

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B2 R.S.Puram Police Station,
Coimbatore District.

(Crime No.364 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.364 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 02.11.2024, seeking bail in



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Crime No.364 of 2024 registered for the offence under Sections 6, 24(1) of COTPA, 2003 and Section 123 of BNS, 2023.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 3.490 kilograms of banned tobacco products. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the allegation against the petitioner is false and he is in custody from 02.11.2024 and no previous case is pending against him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing grant of bail to the petitioner submitted that the petitioner was found to be in illegal possession of 3.490 kilograms of banned tobacco products worth about Rs.6,000/-. He further submitted that no previous case is pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Considering the nature of allegation and period of incarceration undergone by the petitioner and that no previous case is pending against him, 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 **Judicial Magistrate No.1, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] 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]***;

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

14.11.2024

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To

1. The Judicial Magistrate No.1, Coimbatore.
2. The Inspector of Police,
B2 R.S.Puram Police Station,
Coimbatore District.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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