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*Crl.O.P. No. 28865 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

Crl.O.P.No.28865 of 2024

Poovarasan

... Petitioner

Vs.

State

rep. by Sub-Inspector of Police,  
Omerabad Police Station,  
Tirupathur District.  
(Crime No. 722 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to  
enlarge the petitioner on bail concerned in Crime No.722 of 2024 on the file  
of the Sub Inspector of Police, Omerabad Police Station, Tirupathur District.

For Petitioner : Mr.R. Parthiban

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

## **ORDER**

This Criminal Original Petition has been filed by the petitioner,



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who was arrested and remanded to judicial custody on 12.10.2024 , seeking bail in Crime No.722 of 2024 registered for the offences under Sections 7(5) & 20(2) of COTPA and Sections 275 & 123 of the BNS.

2.The case of the prosecution is that the petitioner was found in possession of banned tobacco products (240 kgs of Hans – 50 packets, 26.25. kgs of Vimal Pan Masala – 350 packets, 2.730 kgs of VI Tobacco – 52 packets) worth about more than Rs.10,00,000/-. Hence the case.

3.Learned Counsel appearing for the petitioner submitted that the the petitioner is an innocent person and he has been falsely implicated in this case only for statistical purpose. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that the petitioner was found in possession of banned tobacco products.



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5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000 /- as non-refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prayed for grant of bail to the petitioner.

6.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.

7.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to "**the District Legal Services Authority, Tirupathur District**", without prejudice to his rights and contentions before the trial Court.

8.Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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9.Taking into consideration the facts and the submissions made by the learned counsel appearing for the parties, taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10.Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees ten thousand only)** to "**the District Legal Services Authority, Tirupathur District**", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambur 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**



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**respondent police daily at 10.30 am., 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;

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.11.2024

*sai*

To

1. The Judicial Magistrate,  
Ambur.
2. Sub-Inspector of Police,  
Omerabad Police Station,  
Tirupattur District.
3. The Superintendent,  
Sub-Jail, Tirupattur.
4. The Public Prosecutor,



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High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*sai*

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