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CrI.O.P.No.29481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

CrI.O.P.No.29481 of 2024

Guru Moorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ennore Police Station.
(Crime No.878 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.878 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Vijay

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

ORDER

Petition seeking bail in respect of Crime No.878 of 2024 registered for the offences punishable under Section 123 of BNS r/w Section 24(1) of the Cigarette and other Tobacco Products Act, 2003, is on board for consideration.



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2. The incarceration of the petitioner/A3 being from 03.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the similarly placed co-accused have been granted bail by this court in Crl.O.P.Nos.29213 & 29217 of 2024 dated 22.11.2024. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner, aged about 65 years, is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused were found to be in illegal possession of 108 kilograms of banned tobacco products and the respondent had arrested the accused and seized banned tobacco products from them. He further submits that from this petitioner alone 19 kilograms of banned tobacco products were recovered and further, the investigation in this case is still pending. He also submits that nine previous cases are pending against the petitioner.



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4. 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)** to the credit of the "**Director, Institute of Mental Health, Kilpauk, Chennai**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, he 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 **District Munsif cum Judicial Magistrate, Thiruvetriyur**, 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;



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[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;

[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 of B.N.S.

04.12.2024

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To

1. The District Munsif cum Judicial Magistrate,
Thiruvettriyur.
2. The Inspector of Police,
Ennore Police Station.
3. The Superintendent,
Central Prison -II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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