



Crl.O.P.No.29735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

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

Crl.O.P.No.29735 of 2024

V.Sugendran

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Jolarpettai Police Station,  
Tirupattur District.  
(Crime No.678 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.678 of 2024, pending investigation on the file of the  
respondent Police.

For Petitioner : Mr.E.Kannadasan

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

### **ORDER**

Petition seeking bail in respect of Crime No.678 of 2024 registered for  
the offences punishable under Sections 6(b), 24(1) of the Cigarette and other  
Tobacco Products Act, 2003 r/w Section 123 of BNS is on board for  
consideration.



CrI.O.P.No.29735 of 2024

2. The incarceration of the petitioner/A1 being from 10.11.2024 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 also submits that the petitioner, aged about 62 years, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.1,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner 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 petitioner/A1 was found to be in illegal possession of 3.120 kilograms of banned tobacco products in his shop for sale and in his confession, he stated that he had purchased the same from A2. He further submits that the investigation in this case is still pending and there is no previous case against the petitioner.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.1,000/- (Rupees**



CrI.O.P.No.29735 of 2024

**One Thousand only**) to the credit of the "**District Legal Services Authority, Tirupattur**", 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, and considering that there is no previous case against the petitioner, 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 **Judicial Magistrate No.I, Tirupattur**, 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



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CrI.O.P.No.29735 of 2024

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.

**28.11.2024**

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CrI.O.P.No.29735 of 2024

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To

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



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Crl.O.P.No.29735 of 2024

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

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**Crl.O.P.No.29735 of 2024**

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