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CRL.O.P.No.29843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P.No.29843 of 2024

Tanveer Ahmed

... Petitioner

Versus

The State represented by
Sub Inspector of Police,
Pernampet Police Station,
Vellore District.
Crime No.489 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.489 of 2024 (on the file of the respondent Police).

For Petitioner	:	Mr.S.Thirugnanam
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 05.11.2024,



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seeking bail in Crime No.489 of 2024 registered for the offences under Sections 7(5) and 20(2) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of BNS.

2.The case of the prosecution is that during regular vehicle checkup, the petitioner was intercepted who came in a bike bearing Reg.No.TN-20-CW-5474; and that he was found in possession of 22 kgs of tobacco products worth about Rs.17,230/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that no previous case is pending against the petitioner and the petitioner has been falsely implicated in this case; and that he is in custody from 05.11.2024.

4.Learned Government Advocate (Crl. Side) on instructions would submit that this is the first case registered against the petitioner under the Cigarette and Other Tobacco Products Act, 2003; that the investigation is pending; and that he opposed for grant of bail.



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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.

6.Taking into consideration the fact that the tobacco products have been recovered, the period of incarceration and also considering that the custody of the petitioner is not required for further investigation, 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, Gudiyatham, Vellore 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., until



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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 B.N.S.

29.11.2024

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To



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1.The Judicial Magistrate,
Gudiyatham, Vellore.

2.The Sub Inspector of Police,
Pernampet Police Station,
Vellore District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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