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CRL.O.P.No.29892 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.29892 of 2024

D.Srinivasan

... Petitioner

Versus

State Rep. By
The Sub Inspector of Police,
P-4 Basin Bridge Police Station,
Chennai.
(Crime No.729/2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.729 of 2024 on the file of the respondent Police.

For Petitioner	:	Mr.A.Nirmal Kumar
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 22.11.2024,



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seeking bail in Crime No.729 of 2024 registered for the offences under Section 123 of BNS r/w Section 24(1) of Cigarette and Other Tobacco Products Act, 2003.

2.The case of the prosecution is that the petitioner was found to be in illegal possession of 38 grams of banned tobacco products worth about Rs.2,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the allegation against the petitioner is false and he is in custody from 22.11.2024; and that he prayed for grant of bail.

4.Learned Government Advocate (Crl. Side) on instructions would submit that the petitioner was found to be in illegal possession of 38 grams of banned tobacco products; that one previous case of similar nature is pending against the petitioner; and that he opposed for granting bail to the petitioner.



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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.Considering the nature of allegation and period of incarceration undergone by the petitioner 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 X Metropolitan Magistrate, Egmore, Chennai 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., 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 B.N.S.

29.11.2024

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- To
- 1.The X Metropolitan Magistrate,
Egmore, Chennai.
 - 2.The Sub Inspector of Police,
P-4 Basin Bridge Police Station,
Chennai.
 - 3.The Superintendent,
Central Prison, Puzhal.
 - 4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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