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Crl.O.P.No.30284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.12.2024**

CORAM

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

Crl.O.P.No.30284 of 2024

1. Masood Ahmed

2. Ayaz Ahmed

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
(Crime No. 763 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.763 of 2024**, pending investigation on the file of the respondent Police.

For Petitioners : Mr.G.Vinodhkumar

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

ORDER

Petition seeking bail in respect of **Crime No.763 of 2024** registered for the offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco



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Products Act, 2003, and Section 123 of BNS, 2023, on board for consideration.

2. The incarceration of the petitioners being from **19.11.2024** pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seek indulgence of this Court. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a substantial amount to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent conditions 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, would submit that, on 19.11.2024, when the respondent police on their patrolling nearby a Pakiripalli Mosque Street, Gudiyatham, they found that the petitioners along with other accused were found to be in illegal possession of 4.300 Kilograms of banned tobacco products. He would submit that first petitioner/A-1 has no previous case and the second petitioner/A-2 has one previous case.



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4. Considering the voluntary submission made by the learned counsel for the petitioners, the first petitioner/A-1 is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)**, and the second petitioner/A-2 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the "**District Legal Services Authority, Vellore**" 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 petitioners 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 petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Gudiyatham**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of B.N.S.

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To

1. The Judicial Magistrate, Gudiyatham.
2. The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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