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Crl.O.P.No.30602 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

Crl.O.P.No.30602 of 2024

1.Mohammed Rafeek

2.Azarudeen

3.Sikkandar

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Chithode Police Station,
Erode District.
(Crime No.645 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483(1)(b) of BNSS, pleaded to modify the condition imposed on the petitioners that para Nos.(iv) and (v) in Crl.M.P.No.3816 of 2024, dated 25.11.2024 passed by the learned Principal Sessions Judge, Erode.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Petition has been filed to modify the condition imposed on the petitioners that para Nos.(iv) and (v) in Crl.M.P.No.3816 of 2024, dated 25.11.2024 passed by the learned Principal Sessions Judge, Erode.

2.The case of the prosecution is that on 07.11.2024, the petitioners were found in possession of 169 Kgs of banned Tobacco Products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioners are arrayed as an accused Nos.3 to 5 in Crime No.645 of 2024 for offence under Sections 112 & 123 of BNS and Section 24(1) of the Cigarettes and other Tobacco Products Act, 2003 and they were remanded to judicial custody on 07.11.2024. The petitioners have filed a bail petition in Crl.M.P.No.3816 of 2024 before the learned Principal Sessions Judge, Erode and the learned Principal Sessions Judge, Erode vide order dated 25.11.2024, granted bail to the petitioners with a condition that

“(iv) the petitioners/A3 to A5 shall stay in Erode Town and shall not leave Erode Town, until further orders.



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(v) the petitioners/A3 to A5 shall appear before the respondent police, daily thrice at 09.00 a.m., 02.00 p.m., and 06.00 p.m., and shall sign, until further orders, except the hearing dates.”

4.The learned counsel for the petitioners would submit that the petitioners are belonged to Coimbatore District and they are working as daily wages in Kuniyamuthur at Coimbatore District and they were married men and their wives were domestic helpers and they found it very difficult to travel all the way from Kuniyamuthur, Coimbatore District to Chithode, Erode District a distance of 103 Kms, by incurring expenses. Hence they seek to modify the conditions imposed on them.

3.The learned Government Advocate (Crl.Side) appearing for the respondent opposed for modifying the condition.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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5. Taking into consideration of the facts and circumstance, the condition imposed on the petitioners in para Nos.(iv) and (v) in Crl.M.P.No.3816 of 2024, dated 25.11.2024 passed by the learned Principal Sessions Judge, Erode, is modified. The petitioners are directed to appear before the respondent police on the first and third Saturday of every month at 10.30 a.m., until further orders. The Criminal Original Petition is ordered accordingly.

09.12.2024

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To

1. The Principal Sessions Judge, Erode.
2. The Inspector of Police,
Chithode Police Station,
Erode District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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