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Crl.O.P.No.30638 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.30638 of 2024

R.Samir Sashmol

... Petitioner

Vs.

The State, Represented by

The Inspector of Police

B-3, Variety Hall Road (L & O) Police Station

Coimbatore City, Coimbatore District

(Cr.No.178 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.178 of 2024 on the file of the respondent police.

For Petitioner : Mr.B.Mohan

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

### **ORDER**

Petition seeking bail in respect of Crime No.178 of 2024 registered for the offences punishable under Sections 7(1) and 20(1) of COTPA Act and Section 123 of BNS, 2023 is on board for consideration.

2.The incarceration of the petitioner being from 02.11.2024 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



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petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.**10,000/-** 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 on 02.11.2024, the petitioner was found to be in possession of 540 grams of banned tobacco products worth about Rs.1,040/-. He further submits that there are eight previous cases, which are similar in nature, pending 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.10,000/- (Rupees Ten Thousand only) to the credit of the "**District Legal Services Authority, Coimbatore District**" 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.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 the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain



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conditions and accordingly, the petitioner 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.V, Coimbatore District, 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 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 of B.N.S.

09.12.2024

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

*sai*

To

1.The Judicial Magistrate No.V, Coimbatore District

2.The Inspector of Police  
B-3, Variety Hall Road (L & O) Police Station  
Coimbatore City  
Coimbatore District

3.The Superintendent,  
Central Prison, Coimbatore.

4.The Public Prosecutor,  
High Court of Madras.

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