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Crl.O.P.No.30566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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

Crl.O.P.No.30566 of 2024

M.Anthony Selvan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
(Crime No.468 of 2024).

... Respondent

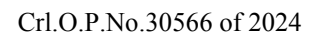
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.468 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Kanikkai Nathan

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

ORDER

Petition seeking bail in respect of Crime No.468 of 2024 registered for the offences punishable under Sections 274, 275 & 123 of BNS r/w Section 24(1) of the Cigarette and other Tobacco Products Act, 2003, is on board for



2. The incarceration of the petitioner/A3 being from 23.11.2024 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 further submits that even the name of the petitioner does not find place in the FIR and he is in no way connected with the offence. He also 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 put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused were found to be in illegal possession of 30828 packets of banned tobacco products and the respondent had arrested the accused and seized banned tobacco products from them. He further submits that the petitioner is arrayed as A3 in this case and the investigation in this case is still pending. He also submits that there is no previous case against the petitioner.

4. 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 considering the period of incarceration and that there is no previous case against the petitioner, this court is inclined to grant bail



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to the petitioner with certain conditions and accordingly, he 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.I, Kancheepuram**, 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]***;



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A.D.JAGADISH CHANDIRA.,J.

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[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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To

1. The Judicial Magistrate No.I,
Kancheepuram.
2. The Inspector of Police,
Baluchettychatram Police Station.
Kancheepuram District.
3. The Superintendent,
Sub Jail, Kancheepuram.
4. The Public Prosecutor,
High Court of Madras.

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