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CRL.O.P.No.31007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM:

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

CRL.O.P.No.31007 of 2024

Sasikumar

... Petitioner

Versus

State rep by
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
Crime No.539 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail concerned in Crime No.539 of 2024 pending on the file of the respondent.

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

ORDER

Petition seeking bail in respect of Crime No.539 of 2024 registered for the offences punishable under Section 24(1) of Cigarette and Other



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

2.The incarceration of the petitioner being from 23.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is innocent and a false case has been foisted against him since he has two previous cases pending against him. He further submits that the 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 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 putforth by the learned Government Advocate (Criminal Side) appearing for the respondent Police, opposing for grant of bail, is that the petitioner was found to be in illegal possession of 40 kgs of banned tobacco products worth of



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Rs.40,000/- and the respondent had arrested the petitioner and seized banned tobacco products from him. He further submitted that the petitioner has two previous cases pending against him.

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 St.Annes Home for Children, Cruzpuram, Thoothukudi, (A/C.No.001100050304673, IFSC: TMBL0000001, MICR: 627060004, Tamilnad Mercantile Bank, Limited, 56 & 57 Beach Road, Thoothukudi Main Branch, Thoothukudi-628 001), 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 petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and



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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, Sulur, 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



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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.

12.12.2024

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To

- 1.The Judicial Magistrate,
Sulur.
- 2.The The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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