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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31241 of 2024

Ajeesh Fernandez

... Petitioner

Versus

The State Rep by
The Inspector of Police,
Town Police Station
Karaikkal, Puducherry.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, 2023 praying to enlarge the petitioners on bail in the event of arrest in Crime No. 70 of 2024 pending on the file of th respondent herein.

For Petitioner(s): Mr.Ilamaran S.

For Respondent(s): `Mr.K.S. Mohandass
Public Prosecutor, Puducherry.

ORDER

Apprehending arrest in connection with Crime No.70 of 2024 registered for the offences punishable under Sections 77 of Juvenil Justice [Care and Protection of Children] Act, 2015 and 24(1) of the Cigarettes and



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Other Tobacco Products Act, 2003, the present petition has been filed by the petitioner seeking anticipatory bail.

2. The case of the prosecution is that the petitioner along with others was found to be in possession of bans Chaap Tobacco 150 nos of bundles, Cool Lip Tobacco-228 Nos of bundles and 40 Nos. of small packets worth about to the tune of Rs.4,11,400/- illegally. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner has been falsely implicated in this case based on the confession statement of co-accused. He also submits that the co-accused had been granted bail and the petitioner has no previous case pending against him. He would submit 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 further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He further submits that the petitioner is ready to abide by any stringent condition that may be



imposed by this court.

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4. 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 along with others were found in possession of bans Chaap Tobacco 150 Nos of bundles, Cool Lip Tobacco-228 Nos of bundles and 40 Nos. of small packets worth about to the tune of Rs.4,11,400/- illegally. He further submits that no previous case is pending against the petitioner.

5. 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 **HOSPICE Convent, M.G.Road, Pondicherry**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Further, having heard the learned counsel for the petitioner and the



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learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Karaikkal** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 Judicial Magistrate No.I, Karaikal, everyday at 10.30 a.m., for a



period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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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MSM

To

The Inspector of Police,

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Town Police Station
Karaikkal, Puducherry.

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2.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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