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Crl.O.P.No.31349 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.No.31349 of 2024

Varadharajan

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.

(Crime No.562 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.562
of 2024, on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

Petition seeking bail in respect of Crime No.562 of 2024 registered for
the offences punishable under Section 24(1) of the Cigarette and other Tobacco
Products Act, 2003 and Section 123 of BNS, is on board for consideration.



Crl.O.P.No.31349 of 2024

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2. The incarceration of the petitioner being from 29.11.2024 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 submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/-, 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 the petitioner along with other accused was found to be in illegal possession of 4.35 kilograms of banned tobacco products. He further submits that there are no previous cases 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.5,000/- (Rupees Five Thousand only)**, to the credit of **The Tamil Nadu Advocate Clerks Association, High Court of Madras, Indian Bank, Madras High Court Branch, Account No.484026006, IFSC Code : IDIB000M157**, without



Crl.O.P.No.31349 of 2024

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, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail on his executing 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.II, Pollachi**, 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



Crl.O.P.No.31349 of 2024

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.

16.12.2024

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Crl.O.P.No.31349 of 2024

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To

1. The Judicial Magistrate No.II,
Pollachi
2. The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.31349 of 2024

A.D.JAGADISH CHANDIRA, J.
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Crl.O.P.No.31349 of 2024

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