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Crl.O.P.No.31638 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No.31638 of 2024

Arunachalam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthukottai Police Station,
Tiruvallur District.

(Crime No.590 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.590 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Ramesh Babu

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

ORDER

Petition seeking bail in respect of Crime No.590 of 2024 registered for the offences punishable under Sections 275, 276, 123 of BNS r/w Section 24(1)



CrI.O.P.No.31638 of 2024

of Cigarette and Other Tobacco Products Act, 77 of Juvenile Justice Act, is on board for consideration.

2. The incarceration of the petitioner being from 24.11.2024 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.25,000/-, 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 Additional Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that the petitioner was found to be in illegal possession of 273 kgs of banned tobacco products, worth about Rs.4,50,000/-. He further submits that the petitioner has got one previous case, therefore, if the petitioner is released on bail, there is a possibility of him absconding and not available for further investigation.



CrI.O.P.No.31638 of 2024

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)**, to the credit of **Missionaries of charity Mentally retarded children, Nirmala Shishu Bhavan, No.26/79, West Madha Church Road, Royapuram, Chennai -600 013, South Indian Bank Limited, George Town Branch, A/C.No. 0042053000009382, IFSC.Code No. SIBL0000042**, 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 Additional Public Prosecutor 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 him 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 **District Munsif Cum Judicial Magistrate, Uthukkottai**, 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



Crl.O.P.No.31638 of 2024

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.

19.12.2024

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To

1. The District Munsif Cum Judicial Magistrate, Uthukkottai
2. The Inspector of Police,
Uthukottai Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison-II, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.31638 of 2024

A.D.JAGADISH CHANDIRA.,J.

Anu

Crl.O.P.No.31638 of 2024

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