



Crl.O.P.Nos.31738 and 31768 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.Nos.31738 and 31768 of 2024

1.Lokeshwaran

...Petitioner in Crl.O.P.No.31738 of 2024

2.Vijayakumar

...Petitioner in Crl.O.P.No.31768 of 2024

Vs.

The State represented by,
The Inspector of Police,
Deevattipatty Police Station,
Salem District.

(Crime No.581 of 2024)

... Respondent in both Crl.O.Ps

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.581 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.Deepakkumar in both Crl.O.Ps

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



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COMMON ORDER

Petition seeking bail in respect of Crime No.581 of 2024 registered for the offences punishable under Sections 7, 20(2) of COTPA Act and r/w Section 275 and 123 of BNS, is on board for consideration.

2. The incarceration of the petitioners being from 03.12.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seek indulgence of this Court. He submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.20,000/- each, to any welfare scheme of the Government or any other organization. He further submits that the petitioners are 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 appearing for the respondent police, opposing for grant of bail, is that the petitioners were found to be in illegal possession of 296.810 kgs of banned tobacco products, worth about Rs.1,19,440/-. He further submits that the petitioners have got one previous case, each.



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4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each, to the credit of **St. Annes Home for Children, Cruzpuram, Thoothukudi, (A/C.No.001100050304673, IFSC:TMBL0000001, MICR:627060004, Tamilnadu Mercantile Bank Ltd., 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 petitioners and the learned Government Advocate for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail on them executing separate 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.2, Salem**, 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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m. until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

19.12.2024

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To
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1. The Judicial Magistrate No.2, Salem
2. The Inspector of Police,
Deevattipatty Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

Anu



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