



CrI.O.P.No.31920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

CrI.O.P.No. 31920 of 2024

Kannikkairaj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
(Crime No. 636 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.
636 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Balamanikandan

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

ORDER

Petition seeking bail in respect of Crime No.636 of 2024 registered for
the offences punishable under Sections 274, 275, 123 of BNS r/w 6, 24(1) of
Cigarette and other Products Act 2003 and u/s.77 of the Juvenile Justice Care and
Protection of Children Act and u/s.7, 9(ii) of Tamil Nadu Prohibition of Smoking



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and Spitting Act 2003, is on board for consideration.

2.The incarceration of the petitioner being from 04.12.2024 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 also 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 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 on a routine check by the respondent Police, the petitioner was found to be in illegal possession of Viman Pan Masala 52 pieces and V1 Tobacco 52 pieces (totally 104 pieces) with an intent to sell it to school children.

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 "**Missionaries of charity, 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.**"



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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. 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 considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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, Sriperumbudur, 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 06.30 p.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;



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[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.

20.12.2024

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
3. The Superintendent,
Sub Jail, Kancheepuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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