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Crl.O.P.No.31929 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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

Crl.O.P.No.31929 of 2024

1. Gopinath

2. Punniyakotti

... petitioners

Vs.

The State represented by,
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
(Crime No.868 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in connection with Crime No.868 of 2024, pending investigation on the file of the respondent Police.

For petitioners : Mr.V.Premkumar

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

ORDER

Petition seeking bail in respect of Crime No.868 of 2024 registered for the alleged offences punishable under Sections 274, 275 & 123 of BNS r/w Sections 6 & 24(1) of the Cigarette and other Tobacco Products Act, 2003 and under Sections 7 and 9 of The Prohibition of Smoking and Spitting Act, 2003 and



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Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, is on board for consideration.

2. The incarceration of the petitioners being from 06.12.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. He further submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/- each to any welfare scheme of the Government or any other organization.

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 petitioners were found to be in illegal possession of 16.759 kilograms of banned tobacco products and they were indulged in selling those tablets to juvenile. He further submits that there is no previous case against the petitioners.

4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each** to the credit of "**Manonmani Trust, Account Number : 9945983362, IFSC Code : KKBK0000469, Kotak**



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Mahindra Bank, Anna Nagar Branch", 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 (Criminal Side) for the respondent Police and perused the materials available on record and considering that there is no previous case against the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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 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;



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[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 abscond, 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,
Sriperumbudur Police Station,
Kancheepuram.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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