



Crl.O.P.No.32269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.32269 of 2024

R.Murugan

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Varajaram Police Station, Varajaram,
Kallakurichi District.

(Crime No.397 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.397 of 2024 on the file of
the respondent Police.

For Petitioner : Mr.D.Babu Varadharajan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.12.2024, for the offences punishable under Sections 123 of BNS Act r/w Section 24(1) of COTPA Act 2003, in Crime No.397 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of HANS @ Gutka 3 Packets, Vimal Pan Masala 3 Packets, V1 Tobacco 3 packets. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 15.12.2024. He would submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/-, 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of banned tobacco products namely HANS @ Gutka 3 Packets, Vimal Pan Masala 3 Packets, V1 Tobacco 3 packets. He further submitted that investigation is pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit, to the credit of **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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7. Further, considering the nature of offence and the period of incarceration undergone by the petitioner and considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the **Judicial Magistrate, Kallakurichi, Kallakurichi District**, and on further conditions that :-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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



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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.

27.12.2024

dpa/skr

TO

1.The Judicial Magistrate,
Kallakurichi, Kallakurichi District.

2.The Inspector of Police,
Varajaram Police Station,
Kallakurichi District.

3.The Sub-Jail,
Kallakurichi.

4.The Public Prosecutor,
High Court of Madras.



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L.VICTORIA GOWRI, J.

dpa/skr

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