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CRL OP. No.32488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

The Hon'ble Mrs.Justice L.VICTORIA GOWRI

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1.Jitndra Giri

2.Ravikumar

...Petitioners

Vs.

State Rep. by
The Inspector of Police
B3 Variety Hall Road Police Station
Coimbatore District
Crime No. 196 of 2024

... Respondent

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending investigation in Crime No.196 of 2024 on the file of the respondent police.

For petitioners : Mr.W.Camyles Gandhi

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

ORDER

The petitioners/A1 & A2, who was arrested and remanded to judicial custody on 04.12.2024 for the offence under Sections 7(1) and



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20(1) of COTPA and 123 of BNS, in Crime No.196 of 2024 on the file of the respondent police, seeks bail.

2.The prosecution's case is that on 04.12.2024, based on a tip-off, the respondent conducted an inspection near Gandhi Park and discovered the petitioners in possession of 1050 kgs of banned tobacco products, leading to the filing of the complaint.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case only for statistical purpose. He would further contend that the petitioners are ready to abide by any stringent condition that may be imposed by this court. He would further contend that the petitioners, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.50,000/- to any welfare scheme of the Government or any other organization.

4.Learned Government Advocate (Crl. Side), while opposing for grant of bail to the petitioners would contend that the petitioners were found to be in possession of 1050 kgs of banned tobacco products.

5.Heard both sides and perused the materials available on record.



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Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners is directed to deposit a sum of Rs.**50,000/-** (Rupees fifty thousand only) to the credit of the "**Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No. : 30700985498, State Bank of India, Tiruchuli, IFSC Code : SBIN0003832** " without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6.Considering the rival submissions on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on their 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 learned **Judicial Magistrate No.V, Coimbatore**, and on further conditions that:-

[b] the petitioners shall report before the respondent police everyday at 10.00 a.m., until further orders;

[c] the petitioners shall not commit any offences of similar nature;



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

[e] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[f] 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 was 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]*;

[g] if the petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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rka/sai



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To

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1.The Judicial Magistrate No.V, Coimbatore

2.The Inspector of Police
B3 Variety Hall Road Police Station
Coimbatore District

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai.



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L.VICTORIA GOWRI, J.
rka/sai

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