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CRL OP. No.32652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

The Hon'ble Mrs.Justice L.VICTORIA GOWRI

CRL.OP.No.32652 of 2024

Pandurangan

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police
Moranam Police Station
Thiruvannamalai District
Crime No. 472 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.472 of 2024 on the file of the respondent.

For Petitioner : Mr.V.R.Appaswamee

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.12.2024 for the offences under Sections 123 of BNS r/w. Sections



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24(1) of COTPA Act, in Crime No.472 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that during a routine patrol, the respondent police discovered the petitioner in illegal possession of 20 packets (20 grams) of gutka, intended for sale at his shop. Hence, the complaint.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case. He would further contend that the petitioner is no way connected with the offences as alleged by the prosecution and he is ready to abide by any stringent condition that may be imposed by this court. He would further contend 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.

4.Learned Government Advocate (Crl. Side) would contend that based on a tip-off, the respondent police conducted a search and found the petitioner in illegal possession of 20 grams of banned tobacco



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products and he vehemently opposed for grant of bail to the petitioner.

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

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) 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 petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

[a] 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 learned **Judicial Magistrate Court at Cheyyar**, and on further conditions that:-

[b] the petitioner shall report before the respondent police



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everyday at 10.00 a.m., until further orders;

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

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

27.12.2024

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To

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1.The Judicial Magistrate Court at Cheyyar

2.The Sub-Inspector of Police
Moranam Police Station
Thiruvannamalai District

3.The Superintendent of Prison,
Central Jail, Vellore.

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



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L.VICTORIA GOWRI, J.
rka/sai

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