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CRL OP. No.32682 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.32682 of 2024

Prasath @ Prasanth

... Petitioner/Sole Accused

Vs.

State Rep. By

The Inspector of Police,
Thiruvalangadu Police Station,
Tiruvallur District
Crime No. 621 of 2024

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No. 621 of 2024 on the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.12.2024 for the offences under Sections 274, 275, 123 of the BNS, 2023, Section 24(1) of the COTPA, 2003 and Section 77 of the Juvenile Justice Act, 2015, in Crime No.621 of 2024 on the file of

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the respondent police, seeks bail.

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2.The case of the prosecution is that based on secret information, the respondent police conducted a surprise check at the petitioner's house on 13.12.2024, wherein, the petitioner was found in illegal possession of 15 packets of Vimal Pan Masala, 15 Packets of VI Tobacco, 30 Packets of Hans Packet and it was seized by the respondent police.

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 the petitioner is the sole accused in this case and there is no previous case



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pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

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 "**Manolaya, Home for Mentally ill Destitute, Account No.025302000000284, Indian Overseas Bank, Kottaram Branch, Kanyakumari District, IFSC Code No.:IOBA0000253**" 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, Tiruttani, and on further conditions that:-



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

[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.

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To



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L.VICTORIA GOWRI, J.
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- 1.The Judicial Magistrate Court, Tiruttani.
- 2.The Inspector of Police,
Thiruvalangadu Police Station,
Tiruvallur District
- 3.The Superintendent of Prison,
Sub Jail, Tiruttani
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

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