

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

Crl.O.P.No.1988 of 2025

1.Basha

2.Prakash

... Petitioners

Vs.

State Rep. by

Inspector of Police

J-6, Thiruvanmiyur Police Station

Chennai

(Crime No.10 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.10
of 2025 on the file of the respondent Police.

For Petitioner : Ms.M.Bhavani

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

ORDER

Petition seeking bail in respect of Crime No.10 of 2025 registered for
the offences punishable under Sections 296(b), 132, and 351(2) of BNS and

Section 7 and 20(1) of COTPA is on board for consideration.

2.The incarceration of the petitioners being from 08.01.2025 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, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.**20,000/- each** to any welfare scheme of the Government or any other organization. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

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 the petitioners were found to be in possession of 9192 packets of banned tobacco products. He further submits that there are no previous cases 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.20,000/- (Rupees Twenty Thousand only) **each** to the credit of the "**St. Annes Home for Children, Cruzpuram, Thoothukudi, (A/C. No.001100050304673, IFSC:TMBL0000001, MICR:627060004, Tamilnad Mercantile Bank Ltd., 56 & 57 Beach Road, Thoothukudi Main Branch, Thoothukudi -**

628 001" 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.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 the period of incarceration undergone by 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 a separate bond 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 XVIII Metropolitan Magistrate, Saidapet, Chennai , 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 06.30 p.m., until further orders;

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

[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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

28.01.2025

sai

To

1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai

2.The Inspector of Police,
J-6, Thiruvanmiyur Police Station
Chennai

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.
sai

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