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Crl.O.P.No.32334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

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

Crl.O.P.No.32334 of 2024

Ezhumalai

... Petitioner

Vs.

State represented by:
The Inspector of Police,
Vikravandi Police Station,
Vilupuram District.
(Crime No.805 of 2024
dated 04/11/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in the event of their arrest in connection with the case in Crime No.805 of 2024 pending on the file of respondent Police herein.

For Petitioner : Mr.A.Yuvaraj

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.805 of 2024 registered for the offences punishable under Sections 274, 275 and 123 of BNS, 2023 and under Section 24(1) and 6 of Cigarette and other Tobacco Products



Act, 2023, the present petition has been filed seeking anticipatory bail.

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2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner is that the petitioner and other accused were found in illegal possession of 150 packets of tobacco products. He would further submit that the petitioner has 5 previous cases pending against him.

4. In reply, the learned counsel for the petitioner would submit that in those previous cases, except one case, other cases are registered under Prohibition Act and IPC.



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5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of "**Manasu, Account Number : 024404406764190001, IFSC Code : CSBK0000244, CSB Bank, Pallavaram Branch**", 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. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent Police and perused the materials available on record, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vikravandi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties, each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand



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automatically cancelled;

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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 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 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 BNS.

06.01.2025

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To

1. The Inspector of Police,
Vikravandi Police Station,
Vilupuram District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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