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Crl.O.P. No.304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

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

Crl.O.P.No. 304 of 2025

R.Siddaraju @ Sidda Raj

..Petitioner

Vs.

The State rep. by
Inspector of Police,
D2 Selvapuram Police Station,
Coimbatore City – 641 026.
(Cr.No.280 of 2024)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.280 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T. Arul

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

ORDER

Petition seeking bail in respect of Crime No.280 of 2024 registered for
the offences punishable under Section 24(1) of Cigarette and Other Tobacco
Products (Prohibition of Advertisement and Regulation of Trade and Commerce,



Cr1.O.P. No.304 of 2025

Production, Supply and Distribution) Act, 2003 r/w Section 123 of BNS, 2023 is on board for consideration.

2.The incarceration of the petitioner being from 17.12.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.**25,000/-** to any welfare scheme of the Government or any other organization. He also submits that the petitioner is 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 respondent Police, on receipt of secret information, went to T.S.K. Kaviyadharshini Stores at 8.45 a.m., on 17.12.2024 and found that persons were involved in shifting bundles from one car to another in front of the above said stores and on seeing the police party, they tried to escape. The respondent Police caught hold of the petitioner red-handedly and on enquiry, came to know that the petitioner along with another accused was involved in selling of banned tobacco products. In this case, the respondent Police had seized 57.700 kgs of banned tobacco products from the petitioner/A-1. He further submits that there



Crl.O.P. No.304 of 2025

is two previous cases against the petitioner.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner 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 petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate No.5, Coimbatore 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



Crl.O.P. No.304 of 2025

ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[d] the petitioner 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 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 B.N.S.

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CrI.O.P. No.304 of 2025

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To

1. The Judicial Magistrate No.5,
Coimbatore.
2. The Inspector of Police,
D2 Selvapuram Police Station,
Coimbatore Ciy – 641 026.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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CrI.O.P. No.304 of 2025

A.D.JAGADISH CHANDIRA., J.

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CrI.O.P. No. 304 of 2025

08.01.2025