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Crl.O.P. Nos. 281 & 297 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.Nos.281 & 297 of 2025

Seenivasan

... Petitioner in
Crl.O.P.No.281/2025

Yadhav Prakash

... Petitioner in
Crl.O.P.No.297/2025

Vs.

State rep. by he Inspector of Police,
Peelamedu Police Station,
Peelamedu – Post,
Coimbatore City – District.
(Crime No. 798 of 2024)

... Respondent in
both Crl.O.Ps.

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending
investigation in Crime No. 798 of 2024 on the file of the respondent.

For Petitioners : Mr.D.Veerasekharan

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

COMMON ORDER

Petitions seeking bail in respect of Crime No.798 of 2024 registered for
the offences punishable under Sections 123 of BNS and Sections 6(b) and 24(1)
of Cigarette and Other Tobacco Products Act, 2003 is on board for consideration.



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2.The incarceration of the petitioners being from 17.12.2024 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.**15,000/- 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 respondent Police, based on discreet information, conducted enquiry near Kumaram Nagar, Velankurichi Road, Coimbatore on 17.12.2024 at about 9am. At that time, the respondent Police interrupted a Honda Activa Two -Wheeler bearing registration No. TN 38 BB 8628 and seized Hans – 188 packets, Cool Lip Tobacco – 8, totally 57 KG 206 Grams, Vimal Pan Masala – 94 packets, Cool Lip – 70 packets and arrested the petitioner in Crl.O.P. No. 297 of 2024/1st accused. Based on his confession, the 2nd accused, i.e., the petitioner in Crl.O.P. No. 281 of 2025 came to be arrested and Vimal Pan Masala – 179 packets, V1 Panmasala – 200 packets, Swagat Gold Tobacco – 37 packets totally 28 Kg and 845 Grams came to be seized from him. Further, A-2 is running a battery agency



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under the name and style of 'Elite Energy Solutions' at Gandhi Street, and A-1 is working as a helper in the said shop.

4.Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) **each** to the credit of the "**VISHRANTHI CHARITABLE TRUST, Account No : 086310000198, IFSC code : BKDN0620863, SWIFT code/BRANCH code : 600018007, Dena Bank, Alwarpet Branch, 83, TTK Road, Alwarpet, Chennai -18.**" 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 Judicial Magistrate No.2, Coimbatore. and on further conditions that:



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[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.

08.01.2025

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To

1. The Judicial Magistrate No.2,
Coimbatore.
2. The Inspector of Police,
Peelamedu Police Station,
Peelamedu – Post,
Coimbatore City – District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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