



WEB COPY



Crl.O.P.No.448 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.448 of 2025

Arumugam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
(Crime No.664 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.664 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.N.Subramani

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

ORDER

Petition seeking bail in respect of Crime No.664 of 2024 registered for the alleged offences punishable under Sections 274, 275 & 123 of BNS and Sections 6 & 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and



CrI.O.P.No.448 of 2025

under Sections 7 and 9(ii) of The Prohibition of Smoking and Spitting Act, is on board for consideration.

2. The incarceration of the petitioner being from 27.12.2024 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, aged about 58 years, is ready to abide by any stringent condition that may be imposed by this Court and further, without prejudice to the defence and contention, the petitioner is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was found to be in illegal possession of more than 12 kilograms of banned tobacco products in his provisional store. He further submits that the case is under investigation and further, there is no previous case 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.10,000/- (Rupees Ten Thousand only)** to the credit of "**The Tamil Nadu Advocate's Clerk's Association, Account Number : 484026006, IFSC Code :**



CrI.O.P.No.448 of 2025

IDIB000M157, Indian Bank, Madras High Court 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.

5. Further, having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering that there is no previous case against 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, Sriperumbudur**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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



WEB COPY



Crl.O.P.No.448 of 2025

A.D.JAGADISH CHANDIRA.,J.

ham

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

08.01.2025

ham

To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
3. The Superintendent,
Sub Jail,
Kancheepuram.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.448 of 2025