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CRL O.P. No.1140 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

THE HON'BLE MR.JUSTICE G.R. SWAMINATHAN

CRL OP.No.1140 of 2025

1. Sivakumar S/o. Ramasamy
2. Sanjaykumar S/o. Rajalingam ... Petitioners / Accused-1&2
Vs

State represented by:

The Station House Officer,
Elavanasoorkottai Police Station,
Kallakurichi District. ... Respondent
[Cr. No.326 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., to enlarge the petitioners/Accused on bail in Cr. No.326 of 2024 on the file of the respondent police.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate
[Criminal side]



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ORDER

Heard the learned counsel on either side.

2. The petitioners stand accused in Cr. No.326 of 2024 for the offences under Sections 123 of B.N.S. read with Section 24(1) of the Cigarettes And Other Tobacco Products Act, 2003 on the file of the respondent police. They were arrested and remanded into judicial custody on 24.12.2024.

3. The petitioners/accused were in possession of banned Tobacco products weighing about 628 kgs for the purpose of selling the same for their personal gain.

4. Though the allegations made against the petitioners are serious in nature, their continuity of incarceration will not serve any purpose. Therefore, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition that each of them shall execute a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Ulundurpet** and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

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

[e] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or



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to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.01.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

G.R. SWAMINATHAN J.,
mjs



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To

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- 1.The Judicial Magistrate No.I, Ulundurpet
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Station House Officer, Elavanasoorkottai Police Station,
Kallakurichi District.
4. The Superintendent of Police, Central Prison, Salem.

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