IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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

Crl.O.P.No.1825 of 2025

Sivan ... Petitioner

Vs.

State, Rep. by the Inspector of Police
North Police Station
Tiruppur District (Crime No.48 of 2025) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.48 of 2025 on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

Petition seeking bail in respect of Crime No.48 of 2025 registered for the offences punishable under Sections 123 of BNS and Section 22(a) of COTPA, 2003 is on board for consideration.

2.The incarceration of the petitioner being from 08.01.2025 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.**15,000**/- 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 petitioner was found to be in possession of 13.100 kgs of banned tobacco products. He further submits that there are four 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.15,000/- (Rupees Fifteen Thousand only) to the credit of the **"MANASU, CSB Bank, Pallavaram Branch, A/C.No.024404406764190001 IFSC : CSBK0000244."** 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 I, Tiruppur**,** 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 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.

28.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Judicial Magistrate I, Tiruppur

2.The Inspector of Police,
North Police Station
Tiruppur District

3.The Superintendent,
Central Prison, Tiruppur

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1825 of 2025

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