



Crl.O.P.No.2065 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

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

Crl.O.P.No.2065 of 2025

1.Muthukumar

2. Velusamy

3. Muthuraja

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Omalur Police,
Salem District.
(Crime No.05 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in connection with Crime No.05 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.Dinesh

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



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ORDER

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Petition seeking bail in respect of Crime No.05 of 2025 registered for the offences punishable under Sections 7, 20(1) of COTPA Act read with Sections 275, 123 and 62 of BNS, 2023, is on board for consideration.

2. The incarceration of the petitioners being from 03.01.2025 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 submits that, without prejudice to the defence and contention, 1st petitioner is ready and willing to deposit a sum of Rs.10,000/- and the 2nd & 3rd petitioners are ready and willing to deposit a sum of Rs.5,000/- each, to any welfare scheme of the Government or any other organization. He further 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 (Crl.Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners along with other accused were found in illegal transportation of 318 kgs of banned tobacco products. He further submits that, 1st petitioner has two previous cases and the other petitioners have no previous cases.

4. Considering the voluntary submission made by the learned counsel



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for the petitioners, 1st petitioner is directed to deposit a sum of Rs.10,000/- and the 2nd & 3rd petitioners are directed to deposit a sum of Rs.5,000/- each, to the credit of "**Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, Punjab National Bank , Moulivakkam Branch Account No. 05812010015060; IFSC Code : PUNB0058110; MICR Code : 600024081**", 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 petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, he 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, Omalur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 10.30 a.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.

29.01.2025

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1. The Judicial Magistrate, Omalur.
2. The Inspector of Police,
Omalur Police,
Salem District.
3. The Superintendent,
Sub Jail, Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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