



Crl.O.P.No.2033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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

Crl.O.P.No.2033 of 2025

1. Suriya
2. Vanitha

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
N3 Muthialpet Police Station,
Chennai.
(Crime No.13 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.13 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.G.Ezhil Balaji

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

ORDER

Petition seeking bail in respect of Crime No.13 of 2025 registered for the alleged offences punishable under Sections 123 & 275 of BNS and Sections 6(b) and 24(1) of the Cigarette and Other Tobacco Products Act, 2003, is on board for consideration.



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2. The incarceration of the petitioners being from 18.01.2025 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 further submits that the petitioners are in no way connected with the alleged offence, however, without prejudice to the defence and contention, the petitioners are ready and willing to deposit a sum of Rs.10,000/- 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 accused were found to be in illegal possession of 150 packets of Mava (each contains 10 grams). He also submits that the petitioners herein are arrayed as A2 and A4 respectively and the case is under investigation. He further submits that, four previous cases are pending against A2 and in respect of A4, three cases are pending.

4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each to the credit of **"The Tamil Nadu Advocate's Clerk's Association, Account Number : 484026006, IFSC Code :**



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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 petitioners, 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 separate bond each 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 **XVI Metropolitan Magistrate, George Town, Chennai**, 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 first petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

[g] 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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To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police, N3 Muthialpet Police Station, Chennai.
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

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