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Crl.O.P.No.2718 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2718 of 2025

Kalesh V.K.

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.
(Crime No.28 of 2025).

... 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.28 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. L. Mouli

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.Side)



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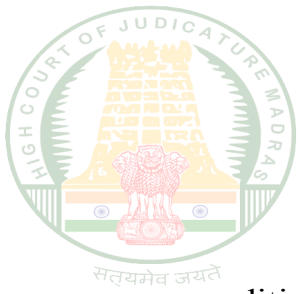
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ORDER

Petition seeking bail in respect of Crime No.28 of 2025 registered for the alleged offences punishable under Sections 296(b), 351(3) and 123 of BNS, 2023 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is on board for consideration.

2. The case of the prosecution is that, based on a complaint received from the defacto complainant, the respondent police went to the petitioner's grocery shop, found that the petitioner was involved in illegal selling of banned tobacco products to minor children and seized 750 grams of banned tobacco products. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that, due to previous enmity and vengeance between the petitioner and the defacto complainant, a false case has been foisted against the petitioner and he is in judicial custody from 22.01.2025; that the petitioner is ready to abide by any stringent



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condition that may be imposed by this Court and to appear and co-operate for the investigation, and hence, prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed for the grant of bail to the petitioner considering the seriousness of the offence and the fact that he has three previous cases of similar nature.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the petitioner is on bail in the other cases, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. 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 No.7, Coimbatore** 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;

[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



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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.

04.02.2025

stn

To

1. The Judicial Magistrate No.7,
Coimbatore.
2. The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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