



WEB COPY



Crl.O.P.No.3795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

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THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.3795 of 2025

1.Ram Babu

2.R.Manoj kumar

... Petitioners

Vs.

State Rep. by

The Inspector of Police

F-3, Nungambakkam Police Station

Chennai 600 034

(Crime No.85 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.85 of 2025, on the file of the respondent Police.

For petitioners : Mr.P.Paramasivam

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.02.2025, seeking bail in Crime No.85 of 2025 registered for the offence under Section 274, 275, 123 of BNS (Section 272, 273, 328 of IPC) and 24(1) of COTPA Act 2003.

2.The case of the prosecution is that the petitioners were found to be in possession of 5.250 kgs of banned tobacco products.



3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case. The learned Government Advocate further submitted that there are thirteen previous cases against the second petitioner, which are similar in nature.

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

6.Considering the nature of allegations, period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore, 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand) each to Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.

[c] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., & 06.30 p.m., for a period of fifteen days, and thereafter as and when required;

[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.

14.02.2025

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G.K. ILANTHIRAIYAN, J.
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To

1.The XIV Metropolitan Magistrate,
Egmore, Chennai

2.The Inspector of Police
F-3, Nungambakkam Police Station
Chennai 600 034

3.The Superintendent,
Central Prison, Puzhal Jail.

4.The Public Prosecutor,
High Court of Madras.

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