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Crl.O.P.No.3862 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

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

Crl.O.P.No.3862 of 2025

Ramkumar

... Petitioners

Vs.

State Rep. by
The Inspector of Police
Salem Town Police Station
Salem District
(Crime No.104 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the Petitioner on bail in Crime No.104 of 2025, on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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 23.01.2025, seeking bail in Crime No.104 of 2025 registered for the offence under Section 123 (IPC 328) of BNS and 24(1) of COTPA act, 2003.

2.The case of the prosecution is that the Petitioner along with other accused was found to be in possession of tobacco products and Tapendtadol



tablets and selling the same to the students.

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3.Learned counsel appearing for the Petitioner submitted that the Petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the Petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that there are totally nine accused in this case and the petitioner is A3.

5.Heard the learned counsel appearing for the Petitioner 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 petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.

7. Accordingly, the Petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate I, Salem, 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 deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.

[c] the Petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;

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

[e] the Petitioner 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 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]***;

[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 Judicial Magistrate I,
Salem

2.The Inspector of Police
Salem Town Police Station
Salem District

3.The Superintendent,
Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.

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