



CRL OP NO. 3907 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3907 of 2025

Sivakumar

... Petitioner

Vs.

State Rep By The Inspector Of Police
Vriddhachalam Police Station,
Cuddalore District.
Crime No. 47 of 2025

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.47 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Meganathan
For Respondent : Mr.Leonard Arul Joseph Selvam
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. 47 of 2025 registered for the offences under Section 275 and 123 of BNS r/w 24(1) of Cigarette and other Tobacco Products Acts, 2003.



CRL OP NO. 3907 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner was in illegal possession of 124 pockets each containing 20 gms of banned tobacco products. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he is in custody from 23.01.2025 and in any case further custody of the petitioner is not required for investigation and since the contraband has been seized, the petitioner may be released on bail.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and on instruction submitted that there are some similar cases against the petitioner and hence, opposed for grant of bail.

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 fact that the contraband has been seized from the petitioner; period of incarceration; though there are some previous cases, he was



CRL OP NO. 3907 of 2025

released on bail in those cases and since further custody is not required for the purpose of investigation, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Vriddhachalam, Cuddalore District**.

[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 action against the petitioner in accordance with law as if the



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CRL OP NO. 3907 of 2025

conditions have been imposed and the petitioner released on

SUNDER MOHAN., J.

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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 B.N.S.

17.02.2025

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To

1. The Judicial Magistrate No.I, Vriddhachalam, Cuddalore District
2. The Inspector Of Police
Vriddhachalam Police Station,
Cuddalore District..
3. The Superintendent,
Vriddhachalam Sub-Jail, Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

CRL OP NO. 3907 of 2025