



CRL OP NO. 4033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

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RAMALINGAM

S/o Mani, No.738(2), Perumal Koil Vattam,
Mitnangkuppam Village, Thumberi Post,
Vaniyambadi Taluk, Thirupathur District

... Petitioner

Vs.

State Rep By The Sub Inspector Of Police
Ambalur Police Station, Thirupathur District,
Crime No.08 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.08 Of 2025 , pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban
Mr.R.Rajadurai
Mr.M.Shimiyon Edwin
Mr.P.Agnes Samantha Ophelie
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. 08 Of 2025 registered for the offences under Sections 6(a), 24(1) of the Cigarette and other Tobacco Products Act 2003 r/w 123 of BNS Act.

2. The case of the prosecution is that based on the secret information,



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the respondent police went to the petitioner's shop and seized illegal possession of 19kgs and 464 gms of banned tobacco products from the petitioner. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, is in custody from 23.01.2025 and in any case the further custody of the petitioner is not required 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 submitted that there is one previous cases against the petitioner and hence, opposed for grant of bail to the petitioner.

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



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petitioner; period of incarceration; though there is one previous case, he was arrested and released on bail; 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 **learned Judicial Magistrate Court, Vaniyambadi.**

[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;

SUNDER MOHAN., J.



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[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 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 B.N.S.

17.02.2025

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To

1. The Judicial Magistrate Court, Vaniyambadi.
2. The Sub Inspector Of Police
Ambalur Police Station, Thirupathur District,
Crime No.08 Of 2025
3. The Superintendent,
Central Prison, Vellore
4. The Public Prosecutor,
High Court of Madras.

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