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CRL O.P. No.4287 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4287 of 2025

Vijayakumar

... Petitioner / Accused

Versus

State by,
The Inspector of Police,
Kondalampatti Police Station,
Salem District.
(Crime No.35 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending investigation in Crime No.35 of 2025 on the file of the respondent Police.

For Petitioner : Mr. C.R. Gokulvisvas.

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side).



CRL O.P. No.4287 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.02.2025, seeking bail in Crime No.35 of 2025 registered for the offence under Sections 6(b) and 24(1) of COTPA Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 14.350 kgs of prohibited tobacco products. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is in custody from 01.02.2025 and since the contraband has been seized, the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and further submitted that there is no previous case pending against the petitioner.



CRL O.P. No.4287 of 2025

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

6. Considering the period of incarceration; that there is no previous case; that the contraband has been seized; and that 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.5, Salem.

[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;



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CRL O.P. No.4287 of 2025

[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 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 3560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
Kondalampatti Police Station,
Salem District.

3. The Judicial Magistrate No.5,
Salem.



CRL O.P. No.4287 of 2025

4. The Central Prison,
Salem.



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CRL O.P. No.4287 of 2025

SUNDER MOHAN. J,

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CRL O.P. No.4287 of 2025

19.02.2025