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Crl.O.P.No.4269 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4269 of 2025

Kanniah @ Murali

...Petitioner/Accused 4

Vs.

State through
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai District.

(Crime No.52 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.52 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Ms.G.Gayathri

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 24.01.2025, seeking bail



in Crime No.52 of 2025 registered for the offence under Sections 123 of BNS and 24(1) of COTPA, 2003.

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2.It is the case of the prosecution that the petitioner along with the other accused was found to be in illegal possession of 106 kgs of banned tobacco products worth about Rs.1,50,000/- in a vehicle bearing Registration No.TN-02-CA-4959. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and that the contraband has been seized and the petitioner has been in custody from 24.01.2025 and there is no previous case against the petitioner and hence, further custody of the petitioner is not required. Hence, he prays for the grant of bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and there is no previous case pending against 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 period incarceration and the fact that the contraband was seized and that no previous case is pending against the petitioner and since further custody of the petitioner is not required for the purpose of interrogation, 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 **District Munsif cum Judicial Magistrate Court, Madhavaram**, 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 report before the respondent Police, everyday at 10.30 a.m., until further orders;

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[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 5560]***;

[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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Copy to:

1.The Inspector of Police,
M-3, Puzhal Police Station,
Chennai District.

2.The District Munsif Judicial Magistrate Court, Madhavaram.

3.The Superintendent of Prison,
Central Prison – II, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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