



CRL O.P. No.4496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4496 of 2025

Balasundar

... Petitioner / Accused

Versus

The State represented by,
The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai.
(Crime No.61 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.61 of 2025 on the file of the respondent Police.

For Petitioner : Mr. A. Vinoth Kumar.

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.02.2025, seeking bail in Crime No.61 of 2025 registered for the offence under Sections 24(1) of COTPA Act, 2003, 123 of BNS and 77 of the Juvenile Justice (Care and Protection of Children) Act.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 500 grams of prohibited tobacco products. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is in custody from 10.02.2025 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 are five previous cases pending against the petitioner and in those cases, the petitioner is on bail.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

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6. Considering the period of incarceration; that the petitioner is on bail in other cases; 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 XXIII Metropolitan Magistrate, Saidapet, Chennai.

[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



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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 6160];***

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

20.02.2025

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To

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

2.The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai.

3. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.



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4. The Central Prison,
Puzhal-II.

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SUNDER MOHAN. J,

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