



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4386 of 2025

1.Prathapa Ram
2.Uttam Kumar

...Petitioners/Accused 1 & 2

Vs.

State through
The Inspector of Police,
Virinchipuram Police Station,
Vellore District.

(Crime No.18 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.18 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.B.Abdul Samath

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



ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 31.01.2025, seeking bail in Crime No.18 of 2025 registered for the offence under Section 123 of BNS and Sections 7(5), 20(2) of COTPA.

2.It is the case of the prosecution that the petitioners were found to be illegally transporting of 445.28 kgs of banned tobacco products in a car bearing Registration No.PY-01-VD-8277. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and that there is no previous case pending against them and that the contraband was already seized and the petitioners have been in custody from 31.01.2025 and in any case, further custody of the petitioners is not required and hence, the petitioners may be granted bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioners belong to Rajasthan and the contraband has been seized and that no previous case is pending



against them.

WEB COPY

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

6.Considering the nature of allegations, period of incarceration and the fact that the contraband has been seized and no previous case is pending against the petitioners and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties (one surety must be a blood relative of the petitioner)**, each for a like sum to the satisfaction of the **Judicial Magistrate No.IV, Vellore**, 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;

WEB COPY

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

ata

Copy to:



1.The Inspector of Police,
Virinchipuram Police Station,
Vellore District.

2.The Judicial Magistrate No.IV, Vellore.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



WEB COPY

Crl.O.P.No.4386 of 2



ata

Crl.O.P.No.4386 of 2025

19.02.2025