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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. Nos.4559 & 4562 of 2025

Suresh ... petitioner in Crl.O.P.No.4559 of 2025

Kumar ... petitioner in Crl.O.P.No.4562 of 2025

Versus

The State represented by,
The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
(Crime No.41 of 2025) ... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 483 of B.N.S.S., praying to enlarge the petitioners on bail pending investigation in Crime No.41 of 2025 on the file of the respondent Police.

For petitioners : Mr. G. Magesh Kumar.

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

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C O M M O N O R D E R

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 04.02.2025, seeking bail in Crime No.41 of 2025 registered for the offence under Sections 24(1) of COTPA Act, 2003 and 274, 275 and 123 of BNS.

2. The case of the prosecution is that the petitioners were found to be in illegal possession of 10,890 packets and 543 packets of banned Gutca products respectively. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that petitioners are in custody from 04.02.2025 and since the contraband has been seized, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and further submitted that the petitioner in Crl.O.P. No.4559 of 2025 has got eleven previous cases and the petitioner in

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Crl.O.P. No.4562 of 2025 has got two previous cases and in those cases, the petitioners were on bail.

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

6. Considering the period of incarceration; the fact that the petitioners were on bail in other cases; that the contraband has been seized; and since further custody 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 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, Sriperumbudur.

[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

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Bank pass Book to ensure their identity;

[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 4160];***

[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,
Oragadam Police Station,
Kancheepuram District.

3. The Judicial Magistrate,
Sriperumbudur.

4.The District Jail,
Kancheepuram.

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SUNDER MOHAN. J,

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