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Crl.O.P.No.4797 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4797 of 2025

1.Arif

2.Apsar Basha

...Petitioners/Accused 1&2

Vs.

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

(Crime No.31 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.31 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Vinodhkumar

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.31 of 2025 registered for the offence under Sections 7(5), 20(2) of COTPA, 2003 r/w 123 of BNS.

2.It is the case of the prosecution that the petitioners along with the other accused was found in illegal possession of 13.800 kgs of banned tobacco products. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely roped in this case and that no previous cases are pending against the petitioners and the petitioners have been in custody from 31.01.2025 and hence, further custody of the petitioners is not required.

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



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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 fact that the contraband has been seized and no previous case is pending against the petitioners, period of incarceration and since further custody of the petitioners is not required for the purpose of interrogation, 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**, each for a like sum to the satisfaction of the **Judicial Magistrate, Gudiyatham**, 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 petitioners shall report before the respondent Police,
everyday at 10.30 a.m., until further orders;

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

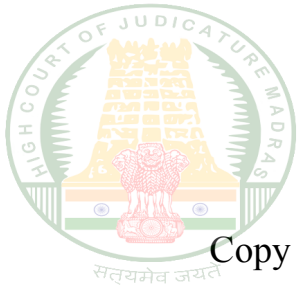
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 5890]***;

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

24.02.2025

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- 1.The Inspector of Police,
Gudiyatham Police Station,
Gudiyatham, Vellore District.
- 2.The Judicial Magistrate, Gudiyatham.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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