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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5214 of 2025

Ayyanar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
E1, Mylapore Police Station,
Chennai.

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.71 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Krishnamoorthy

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



ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.02.2025, seeking bail in Crime No.71 of 2025 registered for the offence under Sections 6(a) and 24(1) of COTPA, 2003 r/w Section 123 of BNS, 2023.

2.It is the case of the prosecution that the petitioner was found to be in illegal possession of 15 kgs of banned tobacco products. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and there is no previous case against the petitioner and that the petitioner has been in custody from 11.02.2025 and hence further custody of the petitioner is not required and prayed 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 against the petitioner.



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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 nature of allegations, period of incarceration, the fact that the contraband has been seized and no previous case is pending against the petitioner and since further custody of the petitioner 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 **XVIII Metropolitan Magistrate, Saidapet Court**, 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;



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[b] the petitioner shall report before the respondent Police, every day at 10.30 a.m., until further orders;

[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.

26.02.2025

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Copy to:

- 1.The Inspector of Police,
E1, Mylapore Police Station,
Chennai.
- 2.The XVIII Metropolitan Magistrate, Saidapet Court.
- 3.The Superintendent of Prison,
Central Prison, Puzhal – II.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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