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Cr1.O.P.No.5675 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.5675 of 2025

1.Beneseer

2.Asiya Khathu

... Petitioners

Vs.

The State

Represented by Station House Officer

Elavansurkottai Police Station

Kallakurichi District. (Crime No.34 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.34 of 2025, on the file of the respondent police.

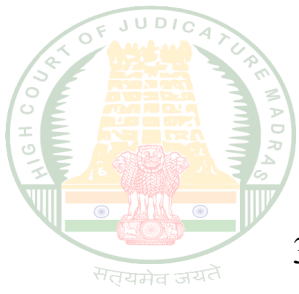
For Petitioner : Mr.S.C.Vishwanth

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/A1 & A2, who were arrested and remanded to judicial custody on 16.02.2025, seeking bail in Crime No.34 of 2025 registered for the offence under Sections 123 of BNS r/w. Section 24(1) of COTPA Act.

2.The case of the prosecution is that the petitioners were found to be in possession of 505 grams of banned tobacco products.



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3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 16.02.2025 and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the case of the prosecution. He further submitted that the petitioners are having no previous cases against them.

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.

6.Considering the nature of allegations, period of incarceration, the quantity of contraband seized in this case and the fact that the petitioners have no bad antecedents and since further custody 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 a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned



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Judicial Magistrate No.I, Ulundhurpet, and on further conditions that

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[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;

[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 of B.N.S

03.03.2025

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To

1.The Judicial Magistrate No.I,
Ulundurpet

2.The Station House Officer
Elavansurkottai Police Station
Kallakurichi District.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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