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Cr1.O.P.No.5686 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.5686 of 2025

Balakrishnan

... Petitioner

Vs.

State by

The Inspector of Police

Pallapatty Police Station

Salem City Crime No.75 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.75 of 2025 on the file of the respondent.

For Petitioner : Mr.G.Pavendhan

For Respondent : Mr.Leonard Arul Joseph Selvam

Learned Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.02.2025, seeking bail in Crime No.75 of 2025 registered for the offence under Section 24(1) COTPA Act and 123 of BNS, 2023.

2.The case of the prosecution is that the petitioner was found to be in possession of 900 grams of banned tobacco products.

3.Learned counsel appearing for the petitioner submitted that the



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petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement of main accused. He also submitted that the petitioner is in custody from 14.02.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Cr1.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that there are three previous cases against the petitioner, which are similar in nature.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1. Side) for the respondent Police and perused the materials available on record.

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the quantity of contraband seized in this case, the fact that petitioner was released on bail in all the previous cases and since further custody is not required for the purpose of interrogation, 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 learned Judicial



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Magistrate No.II, Salem, 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 petitioner shall report before the respondent Police, everyday 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 of B.N.S.

03.03.2025

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SUNDER MOHAN, J.

sai

To

1.The Judicial Magistrate No.II, Salem

2.The Inspector of Police
Pallapatty Police Station
Salem City

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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