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CrI.O.P.No.6306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.6306 of 2025

1.Mohammed Nisar
2.Irshad Ali

...Petitioners/Accused 1& 2

Vs.

State rep by
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.

(Crime No.88 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.88 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Thirumoorthy

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 13.02.2025, seeking bail



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in Crime No.88 of 2025 registered for the offence under Sections 7(5) and 20(2) of COTPA, 2003 r/w 123 of BNS, 2023 and Section 77 of JJ Act, 2015.

2.It is the case of the prosecution that the petitioners along with the other accused were found in illegal possession of 132.094 kgs of banned tobacco products worth about Rs.1,81,487/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; that the contraband has been seized and there is no previous case pending against the petitioners and that the petitioners are in custody from 13.02.2025 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 the petitioners have no bad antecedents.



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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 nature of allegations, period of incarceration and the fact that the contraband has been seized and the petitioners have no bad antecedents 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 **District Munsif cum Judicial Magistrate, Arcot**, 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 petitioners shall report before the respondent Police, every day at 10.30 a.m., until further orders;

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

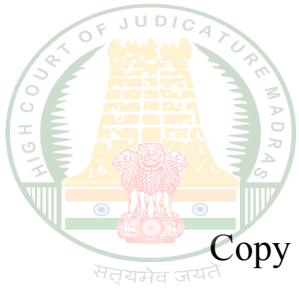
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 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.

06.03.2025

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- 1.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
- 2.The District Munsif cum Judicial Magistrate, Arcot.
- 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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