



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6863 of 2025

1.Arunachalam
2.Ponselvam

...Petitioners/Accused 2 & 3

Vs.

State rep by
The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
(Crime No.74 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.74 of 2025 on the file of the respondent police.

For Petitioners : Mr.R.Parthiban

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



ORDER

WEB COPY

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 02.02.2025, seeking bail in Crime No.74 of 2025 registered for the offence under Section 123 of BNS Act, 2023 and Sections 6(b) and 24(1) of COTPA, 2003.

2.It is the case of the prosecution that based on a secret information, the respondent and their officials intercepted a van bearing Registration No.TN-37-B-7800 and found A2 in possession of 8.200 kgs of banned tobacco products and on his confession, A3 was found in possession of 202 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 no bad antecedents; that the contraband has been seized and in any case, considering the period of incarceration suffered by the petitioners from 02.02.2025, they may be released on bail.

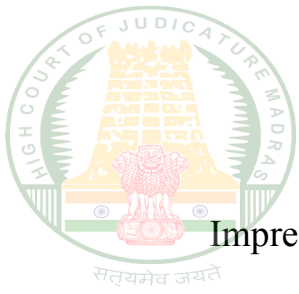


4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been recovered and the petitioners have no bad antecedents.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, period of incarceration, the fact that the petitioners have no bad antecedents and the contraband has been seized and since further custody of the petitioners is not required for the purpose of investigation, 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 Court – III, Coimbatore**, and on further conditions that:



WEB COPY

[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 B.N.S.

11.03.2025

ata



Copy to:

1. The Inspector of Police,
Singanallur Police Station,
Coimbatore District.

2. The Judicial Magistrate Court – III, Coimbatore.

3. The Superintendent of Prison,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.



WEB COPY



SUNDER MOHAN, J.

ata

Crl.O.P.No.6863 of 2025

11.03.2025