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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6987 of 2025

1.Vignesh

2.Dinesh

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Nallur Police Station,
Tiruppur.

(Crime No.154 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.154 of 2025 on the file of the respondent police.

For Petitioners : Mr.Deepanuday

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



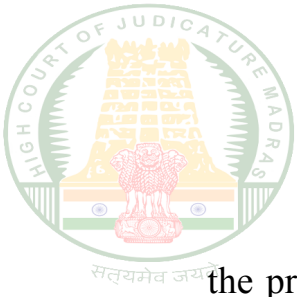
ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 02.03.2025, seeking bail in Crime No.154 of 2025 registered for the offence under Sections 123, 286 of BNS and Section 24(1) of COTPA, 2003.

2.It is the case of the prosecution that the petitioners along with the other accused were found in possession of 4.080 kgs of banned tobacco products in a two-wheeler bearing Registration No.TN-42-AQ-8192. 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; that without prejudice to his contention, is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association and prayed for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



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the prosecution case and submitted that the contraband has been recovered and the petitioners have no bad antecedents.

5.At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defence and contention, are ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.

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

7.Considering the nature of allegations, period of incarceration, the fact that the petitioners have no bad antecedents and the contraband has been seized and the petitioners are willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme 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



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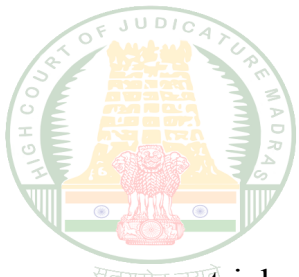
certain conditions.

8. Accordingly, the petitioners are directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousand Only]** directly to the credit of “**District Legal Services Authority, Tiruppur District**”, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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 No.4, Tiruppur**, 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;

[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;
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[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.

12.03.2025

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SUNDER MOHAN, J.



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Copy to:

1.The Inspector of Police,
Nallur Police Station,
Tiruppur.

2.The Judicial Magistrate No.4, Tiruppur.

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

4.The Public Prosecutor,
High Court, Madras.

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