



Crl.O.P.No.7200 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7200 of 2025

M.Thangavel

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai – 600 078.

(Crime No.49 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.49 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Varun

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.02.2025, seeking bail in Crime No.49 of 2025 registered for the offence under Section 24(1) of COTPA r/w Section 123 of BNS, 2023.

2.It is the case of the prosecution that A1 was found in possession of two packets of banned tobacco products in a two-wheeler bearing Registration No.TN-09-DB-1918 and on his confession, the petitioner along with the other accused were found in possession of 450 kgs of banned tobacco products in a house at Virugambakkam. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is sought to be implicated on the confession of A1; that the contraband has been seized; that the petitioner is in custody from 12.02.2025 and hence further custody of the petitioner is not required and sought for bail.



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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are two previous cases pending against the petitioner and he is on bail in those cases and that the contraband has been seized.

5.Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized, the petitioner is sought to be implicated on the confession of co-accused, the petitioner is on bail in the previous cases and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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 **XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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 B.N.S.

13.03.2025

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Copy to:

- 1.The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai – 600 078.
- 2.The XXIII Metropolitan Magistrate Court, Saidapet, Chennai.
- 3.Sub Jail, Saidapet.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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