



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7160 of 2025

Esakkimuthu

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.

(Crime No.137 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.137 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.03.2025, seeking bail



in Crime No.137 of 2025 registered for the offence under Section 123 of the BNS r/w Section 22(a) of COTPA, 2003.

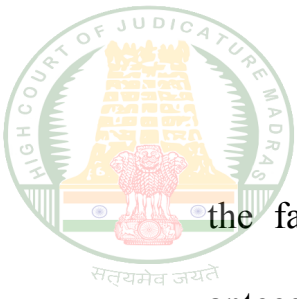
WEB COPY

2.It is the case of the prosecution that the petitioner was found in possession of 203 kgs of banned tobacco products. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the contraband has been seized and the petitioner has no bad antecedents; that the petitioner is in custody from 01.03.2025 and that in any case, considering the period of incarceration, he 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 seized and the petitioner has 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 and the fact that the contraband was seized and the petitioner has no bad antecedents and since further custody of the petitioner is not required, 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 **Judicial Magistrate No.IV, 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 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

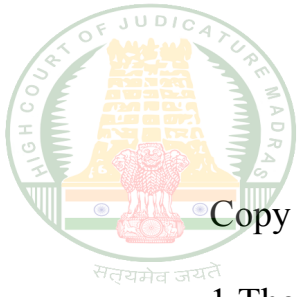


petitioner in accordance with law as if the conditions have been imposed
and the petitioner released on bail by the learned Magistrate/Trial Court
himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State
of Kerala [(2005)AIR SCW 5560];***

[f] If the accused thereafter absconds, a fresh FIR can be registered
under Section 269 B.N.S.

12.03.2025

ata



Copy to:

1. The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.

2. The Judicial Magistrate No.IV, Tiruppur.

3. Sub Jail, Tiruppur.

4. The Public Prosecutor,
High Court, Madras.



WEB COPY

Crl.O.P.No.7160 of 2



SUNDER MOHAN, J.

ata

Crl.O.P.No.7160 of 2025

12.03.2025