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Crl.OP.No.7557 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7557 of 2025

1.Muthulingam
2.Shanmugasundaram ... Petitioners /Accused

Vs.

The State rep. by
The Inspector of Police (L&O),
T-16, Nazarethpet Police Station,
Chennai. ... Respondent/ Complainant

(Crime No.84 of 2025)

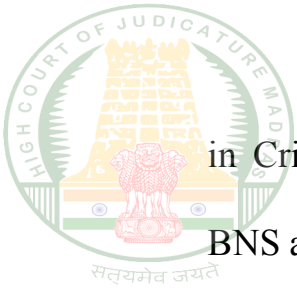
Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.84 of 2025 pending investigation on the file of the respondent police.

For petitioner : Mr.B.Ramesh Babu

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 04.03.2025, seeking bail



in Crime No.84 of 2025 registered for the offence under Section 123 of BNS and Section 24(1) of COTPA, 2003.

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2.It is the case of the prosecution that the respondent and their officials conducted routine vehicle checkup; that the petitioners were found in possession of 455 kgs of banned tobacco products in vehicles bearing Registration Nos.TN-85-K-6212 and TN-10-AU-4542. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent; that the contraband has been seized and the petitioners are in custody from 04.03.2025 and hence, their further custody 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 that the first petitioner is having two previous cases and the second petitioner has one previous case and they are on bail in the previous cases.

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



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6.Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized, the petitioners are on bail in the previous cases and since their further custody 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 No.1, Poonamallee**, 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;



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

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[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.

14.03.2025

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To
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- 1.The Inspector of Police (L&O),
T-16, Nazarethpet Police Station,
Chennai.
- 2.The Superintendent of Police,
Central Prison – II, Puzhal, Chennai.
- 3.The Judicial Magistrate No.1, Poonamallee.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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