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Crl.OP.No.8387 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.8387 of 2025

1.Lakshmi

2.Kaanikkai Raj

... Petitioners /Accused 1 & 3

Vs.

The State rep. by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

... Respondent/ Complainant

(Crime No.518 of 2025)

Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.518 of 2025 pending investigation on the file of the respondent police.

For petitioners : Mr.S.Anbu Selvan

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 petitioners, who were arrested and remanded to judicial custody on 05.03.2025, seeking bail in Crime No.518 of 2025 registered for the offence under Sections 275, 123 of BNS, 2023 and Sections 7 and 9(ii) of Smoking and Spitting Act, 2003 and Sections 6 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 went to the scene of occurrence and found the petitioners along with the other accused in possession of 270 packets of banned tobacco products. 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 05.03.2025 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



there is a previous case pending against the petitioners and they are on bail in that case.

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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 contraband has been seized, the petitioners are on bail in the previous case 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 **XV Metropolitan Magistrate, George Town, Chennai**, 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;

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[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.

21.03.2025

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To
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- 1.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
- 2.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 3.The XV Metropolitan Magistrate, George Town, Chennai.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.OP.No.8387 of 2



SUNDER MOHAN, J.

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Crl.OP.No.8387 of 2025

21.03.2025