



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8886 of 2025

1.M.Karthik
2.R.Ponraj
3.R.Shanmuga Sundaram @ Manikandan
4.R.Manikandan
5.C.Allwin Chinnaraj

...Petitioners/Accused 1 to 5

Vs.

State through
The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.

(Crime No.127 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.127 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Parthiban

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



ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 02.02.2025, seeking bail in Crime No.127 of 2025 registered for the offence under Section 123 of BNS and Section 24(1) of COTPA, 2003 and Section 77 of JJ Act.

2.It is the case of the prosecution that the petitioner along with the other accused were found in illegal possession of 81.740 kgs of banned tobacco products.

3.The learned counsel for the petitioners would submit the petitioners are innocent; that the contraband has been seized; and that the petitioners are in custody from 02.02.2025 and hence, their further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and that A1 is having five previous cases and he is on bail in those cases and that A2 to A5 have 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, the fact that the contraband has been seized, the fact that petitioners 2 to 5 have no bad antecedents, though the first petitioner has five previous cases, he is on bail in those cases and since further custody of the petitioners is not required, 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 Court – II, Coimbatore**, 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;

WEB COPY [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.

25.03.2025

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Copy to:

1.The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.

2.The Judicial Magistrate Court – II, Coimbatore.

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

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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