



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.9153 of 2025

1.Karthik

2.Abdul Raguman

... Petitioners /Accused 1 & 2

Vs.

The State rep. by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

... Respondent/ Complainant

(Crime No.135 of 2025)

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.135 of 2025 pending investigation on the file of the respondent police.

For petitioners : Mr.T.Dhasarathan

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 16.03.2025, seeking bail



in Crime No.135 of 2025 registered for the offence under Section 24(1) of COTPA, 2003 and subsequently it was altered to Section 24(1) of COTPA,

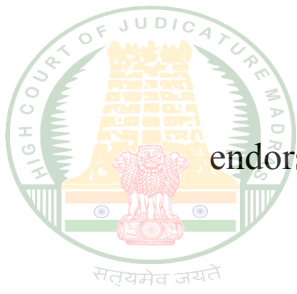
2003 r/w 123 of BNS, 2023.

2.It is the case of the prosecution that the petitioners along with the other accused were found in possession of 186 kgs of banned tobacco products in a vehicle bearing Registration No.TN-28-BK-4621. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent; that the petitioners are in custody from 16.03.2025 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 there are two previous cases pending against the 1st petitioner and the 2nd petitioner has no bad antecedents and that the contraband has been seized. He further submitted that there is a proposal to detain the 1st petitioner under Tamil Nadu Act 14 of 1982.

5.At this juncture, the learned counsel for the petitioners made an



endorsement withdrawing the petition insofar as the 1st petitioner.

WEB COPY 6. Considering the nature of allegations, period of incarceration, the fact that the 2nd petitioner has no bad antecedents and since his further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the 2nd petitioner alone with certain conditions and the petition is dismissed in respect of the 1st petitioner.

7. Accordingly, the 2nd petitioner is ordered to be released on bail on is 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 – I, Namakkal**, 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 2nd petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not abscond either during investigation or trial;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]***;

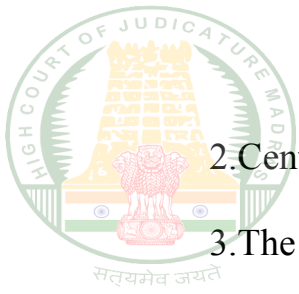
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

27.03.2025

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To

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



2. Central Prison, Salem.

3. The Judicial Magistrate – I, Namakkal.

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2. The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN, J.

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