

SUNDER MOHAN. J.,

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner submitted that on 07.04.2025, this Court had granted bail to petitioner herein in Crl.O.P.No.10397 of 2025. However, in the order, the offence is wrongly mentioned as 24(1) of COTPA r/w 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 instead of 6(a) and Section 24(1) of COTPA r/w 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, he prayed for suitable directions.

3. Considering the submissions made by the learned counsel for the petitioner, Registry is directed to issue order copy afresh forthwith, by correcting paragraph No.1 of the order as follows:

“This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 21.03.2025, seeking bail in Crime No.109 of 2025 registered for the offence under Sections 6(a) and Section 24(1) of COTPA r/w 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015.”

09.04.2025

Issue order copy by 09.04.2025.

Upload order copy forthwith

drl

IN THE HIGH COURT OF JUDICATURE AT MADRAS





DATED : 07.04.2025



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THE HON'BLE MR. JUSTICE SUNDER MOHAN

WEB COPY

Crl.O.P.No.10397 of 2025

Mathiyazhakan

... Petitioner/Accused

Vs.

The State represented by-

Rep. By The Sub Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
(Crime No.109 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.109 of 2025 pending investigation on the file of the respondent Police.

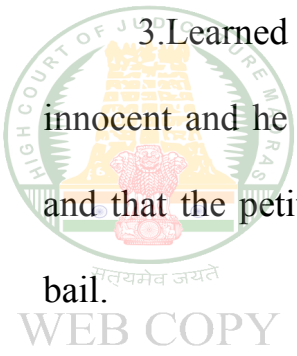
For Petitioner : Mr.M.Vijaya Ragavan

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 21.03.2025, seeking bail in Crime No.109 of 2025 registered for the offences under Sections 24(1) of COTPA r/w 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The case of the prosecution is that the petitioner was found in illegal possession of 2.325 kgs of banned tobacco products. Hence, the case.



3.Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the contraband was seized from the petitioner and that the petitioner is in custody from 21.03.2025 and hence, he may be released on bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioner, reiterated the prosecution case and on instructions submitted that the contraband has been seized from the petitioner and that the petitioner has no bad antecedents.

5.Considering the nature of allegations and the period of incarceration and the fact that the contraband has been seized from the petitioner and that the petitioner has no bad antecedents and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 learned **District Munsif cum Judicial Magistrate, Kunnam, Perambalur District.**

[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,



daily 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.



WEB COPY

07.04.2025

rkp

SUNDER MOHAN., J.

rkp



To

1. The District Munsif cum Judicial Magistrate,
Kunnam.
2. The Sub Inspector of Police,
Mangalamedu Police Station, Perambalur District.
3. The Superintendent, Sub Jail, Perambalur.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.10397 of 2025

07.04.2025