



Crl.O.P.No.11101 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.11101 of 2025

Erusa Goundar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Shevapet Police Station,
Salem.

(Crime No.211 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.211 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

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 petitioner, who was arrested and remanded to judicial custody on 14.03.2025, seeking bail in Crime No.211 of 2025 registered for the offence under Section 112(2) of BNS, 2023, Section 77 of JJ Act, 2015 and Sections 6 and 24(1) of COTPA, 2003.

2.It is the case of the prosecution that the petitioner was found in illegal possession of 1.050 kgs of banned tobacco products in a car bearing Registration No.TN-30-AU-7443. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the contraband has been seized; and that the petitioner is in custody from 14.03.2025 and hence, further custody of the petitioner is not required.



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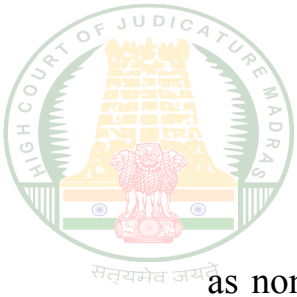
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and that there is a previous case pending against the petitioner and he is on bail in that cases.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for the grant of bail.

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

7.Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized, the petitioner is on bail in the previous case, the petitioner is willing to deposit an amount of Rs.25,000/-



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as non-refundable deposit to any welfare scheme and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.25,000/- [Rupees Twenty Five Thousand Only]** directly to the credit of “**District Legal Services Authority, Salem District**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 **Judicial Magistrate No.III, Salem**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



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[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.

16.04.2025

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Copy to:

- 1.The Inspector of Police, Shevapet Police Station, Salem.
- 2.The Judicial Magistrate No.III, Salem.
- 3.The Superintendent of Prison, Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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