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Crl.O.P.Nos.11264 & 11268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.11264 & 11268 of 2025

Mohamed Ismail

...Petitioner/Accused 1
in Crl.O.P.No.11264 of 2025

A.Mohamed Jamill

...Petitioners/Accused 2
in Crl.O.P.No.11268 of 2025

Vs.

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

(Crime No.126 of 2025)

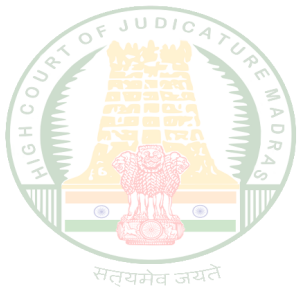
...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.126 of 2025 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

For Petitioner : Mr.M.Sarath Kumar

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



COMMON ORDER

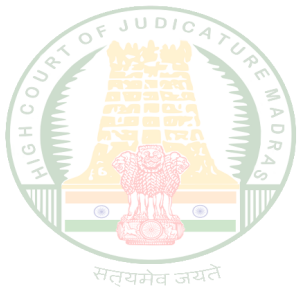
These Criminal Original Petitions have been filed by the petitioners,

who were arrested and remanded to judicial custody on 21.03.2025, seeking bail in Crime No.126 of 2025 registered for the offence under Sections 275 and 123 of BNS, 2023 r/w Sections 7 and 20(1) of COTPA and Sections 52 and 59 of Food Safety and Standard Act, 2006.

2.It is the case of the prosecution that the petitioners were found in illegal possession of 101 kgs of banned tobacco products worth about Rs.2,00,000/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; that they have no bad antecedents; that the contraband has been seized and that in any case, the petitioners are in custody from 21.03.2025 and hence, further custody of the petitioners 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 that the petitioners have no bad antecedents.



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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, the period of incarceration, the fact that the contraband has been seized, the petitioners have no bad antecedents and since further custody of the petitioners 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 **Judicial Magistrate – I, Nagapattinam**, 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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trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

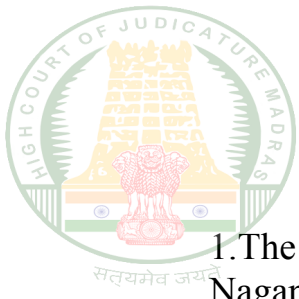
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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.

16.04.2025

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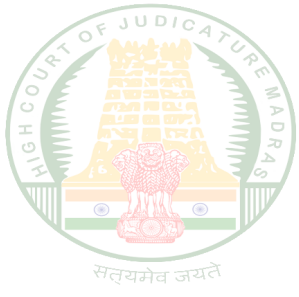
1.The Inspector of Police,
Nagapattinam Police Station,
Nagapattinam District.

2.The Judicial Magistrate – I, Nagapattinam.

3.Sub Jail, Nagapattinam.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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