



WEB COPY



Crl. O.P. No.10966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10966 of 2025

- 1.Mohamed Ibrahim
- 2.Syed Abbdul Rahman
- 3.Ilayaraja

... petitioners/Accused

Vs.

The State represented by-

Rep. By the Sub Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
(Crime No.126 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.126 of 2025 pending investigation on the file of the respondent Police.

For petitioners : Mr.P.Pugalenthir

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 21.03.2025, seeking bail in Crime No.126 of 2025 registered for the offences under Sections 275, 123 of BNS,



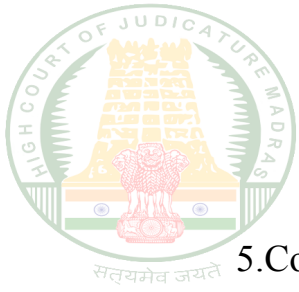
Crl. O.P. No.10966 of 2025

2023 and Section 7, 20(1) of Cigarette and other Tobacco Products Act, 2023 and Section 52, 59 of the Food Safety & Standards Act 2006.

2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of Hans-4125 packets (82.500 kgs), Cool Lip-1080 packets (13.608 grams), Vimal Panmasala – 180 packets (3.750 kgs) and V1-Tobacco – 1560 packets (1.560kgs) of banned tobacco products. Hence, the case.

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

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



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

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **Judicial Magistrate No.1, Nagapattinam District.**

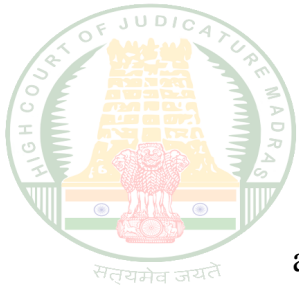
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[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



Crl. O.P. No.10966 of 2025

WEB COPY

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.

15.04.2025

rkp

To

- 1.The Judicial Magistrate No.1,
Nagapattinam.
- 2.The Sub Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
3. The Superintendent, Sub Jail, Nagapattinam.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl. O.P. No.10966 of 2025

SUNDER MOHAN., J.

rkp

Crl.O.P.No.10966 of 2025

15.04.2025