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Crl.OP.No.12362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.12362 of 2025

Sivanesan

... Petitioner(s) /Accused

Vs.

The State of Tamil Nadu,
Rep. the Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
Crime No.54 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to
enlarge the petitioner on bail in Crime No.54 of 2025 on the file of the
respondent police.

For petitioner(s) : Mr.G.Nirmal Krishnan

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



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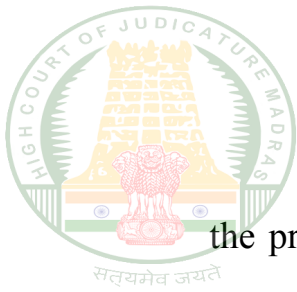
ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.03.2025, seeking bail in Crime No.54 of 2025 registered for the offences under Sections 275 and 123 of BNS r/w Sections 7(1) and 20(2) of COTPA Act, 2003.

2. It is the case of the prosecution that the petitioner was found in possession of 59.344 Kgs of banned tobacco products. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and the petitioner is in custody from 24.03.2025, and that in any case, further custody of the petitioner is not required and prayed for the grant of bail to the petitioner.

4. The 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 petitioner has no bad antecedents and the contraband has been seized from the petitioner.

5. Considering the nature of allegations, the period of incarceration, the fact that the petitioner has no bad antecedents; 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.

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 Judicial Magistrate Court, Madathukkulam, Tiruppur District**, 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



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further orders;

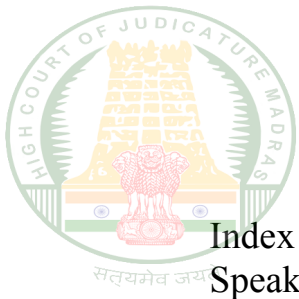
[c] the petitioner shall not abscond either during investigation or trial;

[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.

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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- To
1. Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Judicial Magistrate Court, Madathukkulam,
Tiruppur District.
 4. The Superintendent of Prison,
Sub-Jail, Udumalaipet.



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SUNDER MOHAN, J.

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