



WEB COPY



Crl. O.P. No.13853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.13853 of 2025
and Crl. M.P. No.8703 of 2025

Manibharathi S/o. Raja

... Petitioner/Accused-3

Vs.

The State represented by-

The Inspector of Police,
Pallapatty Police Station,
Salem City,
Salem District.
(Crime No.185 of 2025).

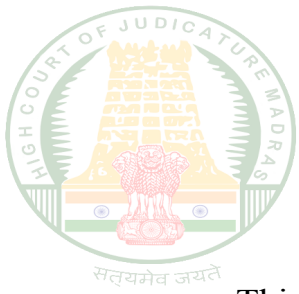
... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.185 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. M. Kavi Kannan

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

ORDER



Crl. O.P. No.13853 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.04.2025, seeking bail in Crime No.185 of 2025 registered for the offences under Section 123 of B.N.S. and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Sections 3(2)(a), 4(2)(c), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956.

2. The case of the prosecution is that based on secret information, the defacto complainant along with his team went to the Salem Recreational Club and saw several girls who were gesturing inappropriately; and hence, the defacto complainant lodged the instant complaint. It is the further case of the prosecution that 16.140 kgs of banned Tobacco products were found in the Club for sale and the same were seized from the accused; and that the petitioner was working as Manager of the said Club.

3. Learned counsel appearing for the petitioner submitted that petitioner is an innocent; that he is in custody from 06.04.2025; that he was working as Manager; that he has nothing to do with the alleged offences; and that since the contraband has been seized, further custody of the petitioner is not required and hence prayed for grant of bail.



Crl. O.P. No.13853 of 2025

WEB COPY

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

5. Considering the nature of allegations, period of incarceration, contraband has been seized, the fact that the Club has now been closed, 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 **Additional Mahila Court, Salem.**

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



WEB COPY



Crl. O.P. No.13853 of 2025

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;

[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.

7. The connected miscellaneous petition is closed.



WEB COPY



Crl. O.P. No.13853 of 2025

29.04.2025

mjs

SUNDER MOHAN., J.

mjs

To

1. The Additional Mahila Court, Salem.
2. The Inspector of Police, Pallapatty Police Station, Salem City, Salem District.
3. The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

Crl. O.P. No.13853 of 2025



WEB COPY



Crl. O.P. No.13853 of 2025

29.04.2025