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Crl. O.P. No.13592 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.13592 of 2025

Santhosh Kumar S/o. Duraisamy

... Petitioner/Accused-2

Vs.

The State represented by-

The Inspector of Police,
Variety Hall Road Police Station,
Coimbatore City,
Coimbatore District.
(Crime No.141 of 2025).

... Respondent

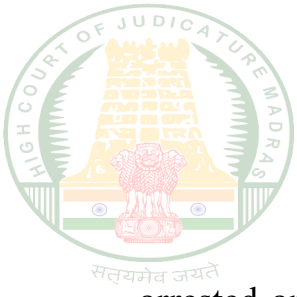
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.141 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. C.D. Sugumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was



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arrested and remanded to judicial custody on 11.04.2025, seeking bail in Crime No.141 of 2025 registered for the offences under Sections 7(1) and 20(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of B.N.S.

2. The case of the prosecution is that based on secret information 1.202 kgs of banned Tobacco products and 1 kg and 50 grams of banned Tobacco products was seized from A1, which was stored in the petitioner/A2's shop. Hence the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is in custody from 11.04.2025; and that since the contraband has been seized, further custody of the petitioner is not required and hence prayed for grant of bail.

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 4 previous cases, in which, he is on bail.

5. Considering the nature of allegations, period of incarceration, contraband has been seized, the petitioner is on bail in other previous cases and since further



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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 learned **Judicial Magistrate No.5, Coimbatore.**

[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;

[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



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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.

29.04.2025
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To

1. The Judicial Magistrate No.5, Coimbatore.
2. The Inspector of Police, Variety Hall Road Police Station, Coimbatore City, Coimbatore District.
3. The Superintendent of Police, Central Prison, Coimbatore District.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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