



WEB COPY



Crl.O.P.No.14347 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.14347 of 2025

1.Balaji

2.Mahendira Prasath

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Gengavalli Police Station,
Salem District.
(Crime No.80 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.80 of 2025 on the file
of the respondent Police.

For Petitioners : Mr.K.Govi Ganesan

For Respondent : M/s.J.R.Archana
Government Advocate (Crl.Side)



Crl.O.P.No.14347 of 2025

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.04.2025, for the offences punishable under Sections 24 (1) of COTPA Act, 2003 r/w Section 286 and 123 of BNS, 2023 (284 & 328 of I.P.C), in Crime No.80 of 2025, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 52.1kgs of banned tobacco substances. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they had been falsely implicated in this case. Petitioners had not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and are in judicial custody from 18.04.2025. He would submit that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/- each, to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.



Crl.O.P.No.14347 of 2025

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found in illegal possession of 52.1kgs of banned tobacco substances. Hence, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** as non-refundable deposit, to the credit of the **Madras High Court Advocate Clerks Welfare Association, Chennai, Indian Bank Branch, High Court, (A/c No. 484077244) IFSC Code : IDIB000M157** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



Crl.O.P.No.14347 of 2025

WEB COPY

7. Further, considering the nature of offence and the period of incarceration undergone by the petitioners and considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur**, and on further conditions that :-

[a] the petitioners shall report before the respondent police, everyday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation.

[b] the petitioners shall not commit any offences of similar nature.

[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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with



WEB COPY



Crl.O.P.No.14347 of 2025

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 of B.N.S.

08.05.2025

ep

Note:-

- 1.Registry is directed to forthwith upload this order in the official website of this Court.**
- 2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



WEB COPY



Crl.O.P.No.14347 of 2025

L.VICTORIA GOWRI, J.

ep

TO

- 1.The Judicial Magistrate No.II, Attur.
- 2.The Inspector of Police,
Gengavalli Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14347 of 2025

08.05.2025