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CrI.O.P.No.14426 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

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

CrI.O.P.No.14426 of 2025

Kalaimani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.239 of 2025)

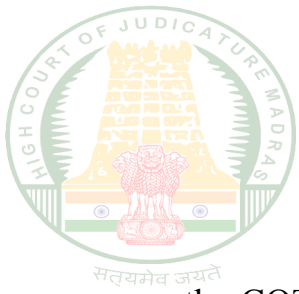
... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.239 of 2025 on the file
of the respondent Police.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondent : M/s.J.R.Archana
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 22.04.2025, for the offences punishable under Section 24 (1) of



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the COTPA Acts, 2003, 123 of BNS Act, 2023 in Crime No.239 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of banned tobacco products namely HANS @ Gutka 163 packet, Vimal 140 packet, cool lip 56 packet. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he had been falsely implicated in this case. Petitioner has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 22.04.2025. He would submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of banned tobacco products namely HANS @ Gutka 163 packet, Vimal 140 packet, cool lip 56 packet. Hence, he opposed to grant bail to the petitioner.

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 petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit, to the credit of the **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court I, Ullundurpet**, and on further conditions that :-

[a] the petitioner 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 petitioner shall not commit any offences of similar nature.

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



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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 of B.N.S.

08.05.2025

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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.**



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L.VICTORIA GOWRI, J.

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To

- 1.The Judicial Magistrate Court I, Ullundurpet.
- 2.The Inspector of Police,
Ullundurpet Police Station,
Kallakurichi District.
- 3.The Superintendent,
Sub Jail, Ullundurpet.
- 4.The Public Prosecutor,
High Court of Madras.

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