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CRL OP No. 15039 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15039 of 2025

1. Dharmaraj

S/o.Devadoss, No.717, Middle Street,
Somasipadi Village, Kilpennathur
Taluk, Tiruvannamalai District.

Petitioner(s)

Vs

1. The State Rep. by its Inspector of
Police
Tiruvannamalai East Police Station,
Tiruvannamalai District
(Crime NO.236/2025)

Respondent(s)

PRAYER

This Criminal Original Petition is filed to enlarge the petitioner on bail in Crime NO.236 of 2025 pending investigation on the file of the respondent

For Petitioner(s): Mr.E.Sathiyaraj

For Respondent(s): Public Prosecutor



ORDER

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Petition seeking bail in connection with Crime No.236 of 2025 registered for the alleged offences punishable under Sections 275, 123 of BNS 2023 (Corresponding Section 273, 328 of IPC) and Section 6(a), 24(1) of Cigarette and other Tobacco Products Act is on board for consideration.

2. The case of the prosecution is that the on 28.04.2025 at about 12.30 hours, the respondent police conducted a checkup at the petty shop of the Accused-2/petitioner in Tiruvannamali Central Bus Stand and on seeing the respondent police, the petitioner escaped from the spot. The respondent police arrested the accused and seized 1) Hans-20 packet, 2)Vimal Panmalasala-38 packet, worth about Rs.312/-. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in the judicial custody from 28.04.2025



and he is ready to abide by any stringent conditions, that may be imposed by this Court and prayed for bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, submitted that the petitioner was found in possession of banned tobacco products worth about Rs.312/- and petitioner is having 6 more previous cases. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side and taking note of the fact that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following stringent conditions:

(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Tiruvannamalai;**



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(2) The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of 30 days (including holidays) and thereafter, as and when required for interrogation.

(3) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;



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(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

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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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To

1. The State Rep. by its Inspector of
Police

Tiruvannamalai East Police Station,
Tiruvannamalai District (Crime
NO.236/2025).

2. The Judicial Magistrate-II,
Tiruvannamalai.
3. The Sub-Jail, Tiruvannamalai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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M.NIRMAL KUMAR J.

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