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CrI. O.P. No.15067 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15067 of 2025

Balachandiran S/o. Kalingan

... Petitioner

Vs.

State rep. by:-

The Station House Officer,
Thirubuvanai Police Station.

through: The Public Prosecutor, Puducherry.

[Crime No.47 of 2025].

... Respondent

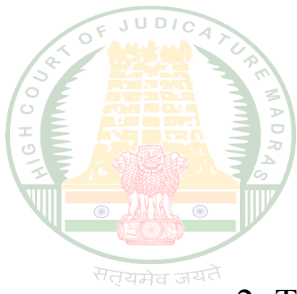
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/Accused on Bail in
Crime No.47 of 2025 on the file of the Respondent.

For Petitioner : Mr.U. Yuvaraj

For Respondent : Mr.A.R. Ramachandramurthy
Public Prosecutor (Puducherry).

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.04.2025, for the offence punishable under Sections 6(b) read with 24(1) of Cigarettes and Other Tobacco Products Act and Section 77 of JJ Act 2015, in connection with Crime No.47 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner was found in possession of banned Tobacco products for selling the same to the school going children. 57 pouches of Cool lip filter Tobacco, each pouch weighing about 100.8 gms in 8 packets weighing 5.745 kgs and 40 nos. of Cool Lip filter Tobacco, each pouch weighing about 100.8 gms in 8 packets weighing 4.032 kgs. Total contraband seized in this case is 9.777 kgs.

3. 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 no way connected with the alleged offence, however, he is suffering incarceration from 19.04.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner was arrested on 19.04.2025 and contraband was seized. He further submitted that the petitioner has 6 previous cases, out of which, one case is registered for the offence under NDPS Act and he



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is on bail in all those previous cases.

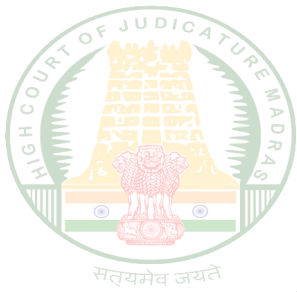
5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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-VI, Puducherry**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) (Non refundable) each towards the account of (i) Old Orphanage, Savings Bank Account maintained at Bank of Baroda, Puducherry Branch bearing Account No.0564010050956, IFS Code No.BARB0PONDIC,**



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Name - JAL, MICR No.605012002 and (ii) HEMERIJCKX RURAL CENTRE, A/c Name: RAWTTAKUPPAM, A/c Number: 10831166343, IFSC No.SBIN0000900, Swift Code: SBININBB228, State Bank of India, No.5, Rue Suffren, P.B. No.101, No.15, Pondicherry and to produce the Bank Challans before the Judicial Magistrate-VI, Puducherry and the receipts shall be produced at the time of executing the bond;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[d] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[f] 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];**

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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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 the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate-VI, Puducherry.
2. The Station House Officer,
Thirubuvanai Police Station.
3. The Superintendent of Police,
Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras.
5. The Public Prosecutor,
Puducherry.

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M.NIRMAL KUMAR, J.

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