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CrI.O.P.No.15209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P. No.15209 of 2025

1.Sakthi

2.Valarmathi

... Petitioners/Accused 1 & 3

Vs.

State rep.by
Station House Officer,
Keelkuppam Police Station,
Kallakurichi District.
(Crime No.94 of 2025)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in
Crime No.94 of 2025 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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



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ORDER

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Petition seeking bail in respect of Crime No.94 of 2025 registered for the alleged offences punishable under Sections 123 of the BNS r/w 24(1) of the COTPA Act, 2003 is on board for consideration.

2. The case of the prosecution is that the petitioners, who are arrayed as A1 and A3 were allegedly found in possession of 1.500 grams (each 300 grams, 5 bundles) hans chaap tobacco 13 small pockets. Hence, this complaint has been lodged.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they had not committed any offence as alleged by the prosecution. He further submitted that the petitioners were inside the prison from 26.04.2025.

4. The learned counsel appearing for the petitioners submitted that the petitioners to show their bonafide are ready and willing to deposit a sum of Rs.10,000/- each to the Cancer Institute(WIA), Adayar.



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5. The learned Government Advocate (CrI. Side) appearing for the respondent, on instruction submitted that the petitioners were found in possession of 1.500 grams (each 300 grams, 5 bundles) hans chaap tobacco 13 small pockets. The case property has been seized. He further submitted that the investigation is still pending.

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

(1)Each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) (Non refundable) towards the account of CANCER INSTITUTE (WIA),Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the Judicial Magistrate No.II, Kallakurichi and the receipt shall be produced at



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the time of executing the bond;

(2) Each of the petitioners 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, Kallakurichi.**

(3) **The petitioners shall appear before the respondent police as and when required for interrogation;**

(4) 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;

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

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

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

(8) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders



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against the petitioners 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].

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

15.05.2025

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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.**

To

1. The Judicial Magistrate No.II,Kallakurichi.
- 2.The Station House Officer, Keelkuppam Police Station, Kallakurichi District.
3. The Superintendent, Sub Jail(Special Prison for Women), Villupuram.
- 4.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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