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Crl.O.P. No.15249 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.15249 of 2025

Kesavan

... Petitioner/ Accused

Vs.

The State Rep. By,
The Station House Officer,
Elavanasurkottai Police Station,
Kallakurichi District.
(Crime No.67 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.67 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. M. Subash

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



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ORDER

Petition seeking bail in respect of Crime No.67 of 2025 registered for the alleged offences punishable under Section 123 of BNS r/w. Section 24(1) of COTPA Act, is on board for consideration.

2. The case of the prosecution is that on 28.04.2025, while the respondent were on their inspection duty, they found that the petitioner was involved in illegal selling of banned tobacco products (24 packets of Hans, 72 packets of Cool Lip) in his petty shop. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 28.04.2025. He further submitted that the petitioner without prejudice to his contention is ready and willing to deposit a sum of Rs.25,000/- to the Cancer Institute (WIA), Adayar and also ready to abide by any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and prayed for bail to the petitioner.

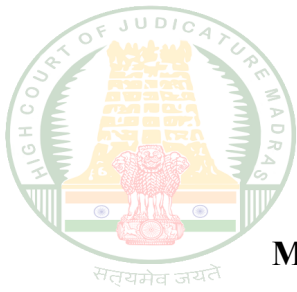


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4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioner has one previous case of similar nature; and that the investigation is pending and opposed the bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the period of incarceration undergone by the petitioner and also considering the voluntary submission made by the learned counsel appearing for the petitioner regarding depositing a sum of Rs.25,000/- to the Cancer Institute (WIA), Adayar, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousands 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



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Magistrate No.1, Ulundurpet and the receipt shall be produced at the time of executing the bond;

(2) 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 No.1, Ulundurpet;**

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

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

(7) 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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(8) 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].

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

15.05.2025

ari/ stn

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.1,
Ulundurpet.
2. The Station House Officer,
Elavanasurkottai Police Station,
Kallakurichi District.
(Crime No.67 of 2025)

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M. NIRMAL KUMAR, J.

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3. The Superintendent,
Sub Jail, Ulundurpet.
4. The Public Prosecutor,
High Court of Madras.

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