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CrI.O.P.No.15228 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.15228 of 2025

K.Thangadurai

... Petitioner/Accused No.2

Vs.

State of Tamil Nadu,
Represented by
Inspector of Police,
Podanur Police Station,
Coimbatore 641 023,
Cr.No.164 of 2025.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to pass an order for enlargement of petitioner on bail, pending investigation of case in Crime No.164 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.R.Ramesh Babu

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.164 of 2025 registered for the alleged offences punishable under Sections 6(b),24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 77 of the Juvenile Justice Care and Protection of Children Act 2015 and read with Section 123 of Bharatiya Nyaya Sanhita (BNS) Act 2023, is on board for consideration.

2. The case of the prosecution is that upon receiving secret information, the respondent is said to have apprehended the petitioner, who was standing near the L&T Bypass, Vellalore, near MDS Bakery, at around 11:00 a.m. The petitioner was allegedly found in possession of 63 packets of Vimal tobacco, each weighing 2.5 grams, and 35 small packets of Vimal tobacco, each weighing 0.35 grams. Thus, the petitioner was allegedly in possession of a total of 98 packets, weighing approximately 169.55 grams. The petitioner was subsequently arrested by the respondent.

3. The learned counsel appearing for the petitioner submitted that



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the petitioner is an innocent person and he has been falsely implicated in this case and he had not committed any offence as alleged by the prosecution. He further submitted that the petitioner was inside the prison from 18.04.2025.

4. The learned counsel appearing for the petitioner submitted that the petitioner to show his bonafide is ready and willing to deposit a sum of Rs.25,000/-to the Cancer Institute(WIA), Adayar.

5. The learned Government Advocate (Crl. Side) appearing for the respondent, on instruction submitted that there are two accused involved in this case. The petitioner is arrayed as A2. A1 is running a petty shop. A2 is running a grocery shop. The respondent police seized 683 grams of banned tobacco products from the shop of the accused. He further submitted that the this petitioner is involved in six other cases and all the cases are similar in nature. The investigation is still in progress.

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 petitioner, 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 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 learned Judicial Magistrate, Madukkarai, 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, Madukkarai;

(3) The petitioner 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;



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(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, 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 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].

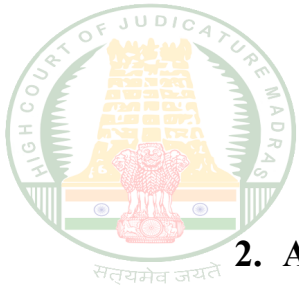
(9) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15.05.2025

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Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.



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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 Court, Madukkarai.
2. The Inspector of Police, Podanur Police Station, Coimbatore.
3. The Superintendent, Coimbatore Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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M. NIRMAL KUMAR, J.

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