



CrI.OP.No.15509 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 21.05.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**CrI.OP.No.15509 of 2025**

Muthumariyappan ... Petitioner(s) /Accused

Vs.

State represented by the Inspector of Police,  
Velippalayam Police Station,  
Nagapattinam District. ... Respondent(s)/ Complainant  
Crime No.128 of 2025

**Prayer:** Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail in connection with Crime No.128 of 2025 on the file of the respondent police.

For petitioner(s) : Mr.C.R.Gokulvisvas  
For Respondent(s) : Mr.V.J.Priyadarsana  
Government Advocate (CrI.Side)

**ORDER**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 30.04.2025, seeking bail in Crime No.128 of 2025 registered for the offences under Sections 275 and 123 of BNS, 2023 r/w Sections 7 and 20(1) of COTPA Act, 2003 and



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Sections 52 & 59 of the Food and Safety Act, 2006.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 20 packets of cool lip, 30 packets of vimal betel and 67 packets of hans, totalling 24.366 Kgs of banned tobacco products.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit the petitioner is in custody from 30.04.2025. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of bail, reiterated the prosecution case and submitted that the contraband has been seized.

5. Heard learned counsel on either side and perused the materials available on record.



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**WEB COPY** 6. Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized and since further custody of the petitioner is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, considering the voluntary submission, the petitioner is directed to deposit a sum of **Rs.5,000/-** (Rupees Five thousand only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of **“The Dean, Stanley Government Medical College and Hospital, Chennai, bearing A/c. No.39219285071, State Bank of India, Old Jail Road, Stanley Hospital, IFSC:SBIN0001476”**, without prejudice to his defence before the trial Court and on such deposit, the petitioner is ordered to be released on bail on her 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 No.II, Nagapattinam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their



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Aadhar card or Bank pass Book to ensure their identity;

**WEB COPY [b] the petitioner shall report before the jurisdictional Judicial Magistrate from Monday to Friday at 10.30 a.m., and shall appear before the respondent Police on Saturday and Sunday at 10.30 a.m., until further orders;**

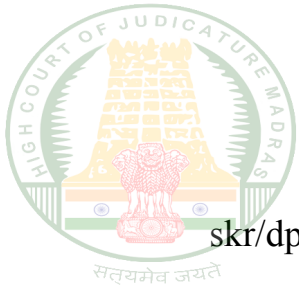
[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560]*;

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

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**Note:**



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- 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. Judicial Magistrate No.II, Nagapattinam,
2. The Superintendent of Prison,  
Sub-Jail, Nagapattinam.
3. Inspector of Police,  
Velippalayam Police Station,  
Nagapattinam District.
4. The Public Prosecutor,  
Madras High Court, Chennai.



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**N.SENTHILKUMAR, J.**

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