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Crl.O.P.No. 15529 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL.O.P.No.15529 of 2025

Prakash

... Petitioner/Accused

Versus

The State Rep by its
Station House Officer,
Elavanasurkottai Police Station,
Kallakurichi District.
(Crime No. 65 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, in Crime No.65 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/Accused who was arrested and remanded to judicial custody on 27.04.2025, seeking bail in Crime No.65 of 2025 registered for the offence under Section 123 of BNS. R/w



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Section 24(1) of Cigarette and other tobacco products Act, 2003.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 13.8 kilograms 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 27.04.2025. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- 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.



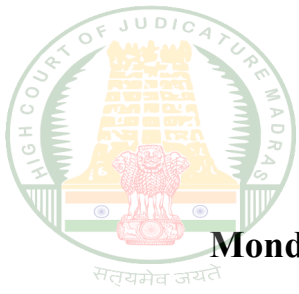
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Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized and since further custody of the petitioner is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner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

7. Accordingly, considering the voluntary submission, the petitioner is directed to deposit a sum of **Rs.10,000/-** (Rupees Ten 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 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-I, Ulundurpet, Kallakurichi District**, 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the jurisdictional Magistrate from



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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 petitioner in accordance with law as if the 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)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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dpa/skr

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-I,
Ulundurpet, Kallakurichi District
2. The Superintendent, Sub-Jail,
Ulundurpet.
- 3.The Station House Officer,
Elavanasurkottai Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court, Madras.

N.SENTHILKUMAR, J.

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