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Crl.O.P.No.15643 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15643 of 2025

Kumar

.. Petitioner

Vs.

State Rep By:

The Sub-Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
(Cr.No.175/2025)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in pending investigation Crime No.175 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Sathiyaraj.E
For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2025, for the offence punishable under Sections 275, 123 of Bharatiya Nyaya Sanhita, 2023 and Section 24(1) of Cigarette and Other Tobacco Products Acts in connection with Crime No.175 of 2025 on the file of the respondent, seeks bail.



2. The case of the prosecution is that the petitioner was found in

possession of banned tobacco products. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He also submitted that the petitioner is in no way connected with the alleged offence. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the on regular check up by the respondent police, the petitioner was found in illegal possession of tobacco products and they seized 13 kgs of hans packets weighing 13 kg which is worth about Rs.5400/- from the petitioner. and the petitioner is having 24 previous cases pending against him. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and the petitioner is



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ready to abide by any stringent condition, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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)** each with two sureties, for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Tiruvannamalai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] The petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) (Non refundable)** towards the **A/c.No:015701000013540, MR.DIR & JAO GOVT ANNA MEM CANCER INSTITUTE, 55B 38 APPARAO STREET, KANCHEEPURAM, IFSC.No.IOBA0000157** and to produce the **Bank Challan before the Judicial Magistrate No.II, Tiruvannamalai, and the receipt shall be produced at the time of executing the bond;**



[c] the petitioner shall report before the respondent Police daily

at 10.30 a.m. for a period of three weeks; thereafter as and when required for further interrogation;

[d]the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[f] 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;

[g]On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];



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[h]If the accused thereafter absconds, a fresh FIR can be registered

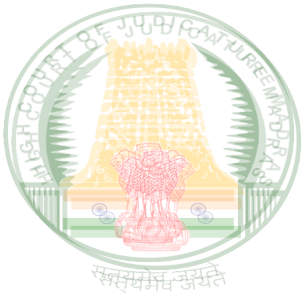
under Section 269 of B.N.S.

17.06.2025

gv

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 the official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

gv

To

- 1.The Judicial Magistrate No.II,
Tiruvannamalai .
- 2.The Sub-Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
- 3.The Superintendent,
Sub-Jail, Polur, Tiruvannamalai Dist.
- 4.The Public Prosecutor,
Madras High Court.

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