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Crl.O.P.No.15691of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.15691of 2025

Hasem

... Petitioner

Vs.

The State by,
The Inspector of Police,
Variety Hall Road Police Station,
Coimbatore District
(Cr.No.177 of 2025)

... Respondent

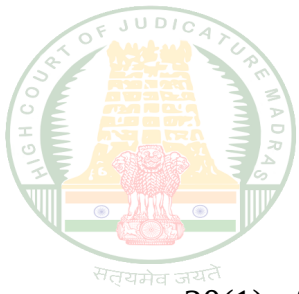
PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023 to enlarge the petitioner on bail in Crime No.177 of 2025 on the file of the The Inspector of Police, Variety Hall Road Police Station, Coimbatore District

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : M/s.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2025, for the alleged offences punishable under Sections 7(1) and



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20(1) of Cigarette and Other Tobacco Products Act, 2003 and 123 of BNS in Crime No.177 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1kgs and 250 grams of banned tobacco products . Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner has been in judicial custody from 08.05.2025. 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 for the respondent reiterated the prosecution case and submitted that there is no previous case against the petitioner. However he opposed for grant of bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, and also taking into account the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner, subject to 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) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate-V, Coimbatore** 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 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,**



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Old Jail Road, Stanley Hospital, IFSC: SBIN0001476, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of three weeks;

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

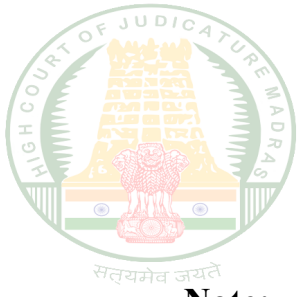
[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

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

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Vv



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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.**



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N.SENTHILKUMAR,J.

Vv

To

1. The Judicial Magistrate-V, Coimbatore
2. The Inspector of Police,
Variety Hall Road Police Station,
Coimbatore District
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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