



Crl.O.P.No.16627 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16627 of 2025

Marisamy

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

Crime No.233 of 2025.

... Respondent

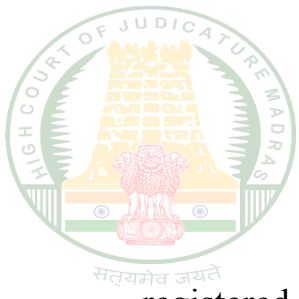
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime
No.233 of 2025 pending on the file of the Respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
22.05.2025, for the offence punishable under Sections 123 of BNS Act and
Section 7, 20 (1) of COTPA Act, in connection with Crime No.233 of 2025,



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registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 396.5 kgs of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. The petitioner is in judicial custody from 22.05.2025 and hence, further custody of the petitioner is not required. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner was found in illegal possession of banned tobacco products.

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



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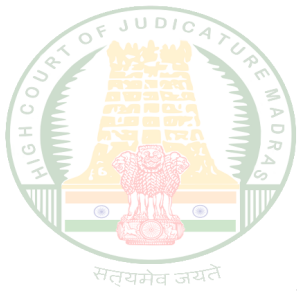
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6.Considering the facts and circumstances of the case, the submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Hosur**, 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.50,000/- (Rupees Fifty 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**



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No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the concerned Magistrate 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 interrogation;

[d] the petitioner shall make himself 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;

[d] 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, he shall comply to the directions as may be given by the Court in this regard;

[e] 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 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)13 SCC 283]**;

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



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To

1. The Judicial Magistrate No.II,
Hosur.
- 2.The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
3. The Superintendent,
Sub Jail, Hosur
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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