



Crl.O.P.No.16706 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16706 of 2025

1.Suresh
2.Manikandan

... Petitioners/Accused 3 & 4

Vs.

State by,
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.78
of 2025 on the file of the respondent police.

For Petitioners : Mr.N.Palanivel

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on
09.05.2025, for the offences punishable under Sections 274, 275, 123 of BNS,
2023 r/w Section 24(1) of Cigarette and other Tobacco Products Act, 2003 r/w



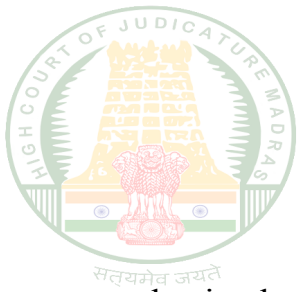
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Section 77 of Juvenile Justice Act, in connection with Crime No.78 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that the petitioners along with other accused were found to be in illegal possession of banned Tobacco products worth about Rs.56,704/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the above case and they have been falsely implicated in this case. The petitioners are in judicial custody from 09.05.2025 and hence, further custody of the petitioners is not required. He further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.25,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that in this case there are totally four accused, the petitioners are arrayed as A3 and A4. He further submitted that A1 in this case



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detained under Tamil Nadu Act 14 of 1982 branding him as 'Drug Offender'. He further submitted that petitioners have got no previous cases.

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

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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Virudhachalam**, 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;



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[b] The petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (Non refundable), each, 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 No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the Judicial Magistrate No.II, Virudhachalam and the receipt shall be produced at the time of executing the bond;

[c] the petitioners 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 petitioners shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners 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 petitioners 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



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down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

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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.

To

1.The Judicial Magistrate No.II,
Virudhachalam.

2.The Inspector of Police,
Srimushnam Police Station,
Cuddalore District

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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