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Crl.O.P.No.16955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16955 of 2025

Ganesan

... Petitioner/A2

Vs.

The State Rep. by
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
(Crime No.299 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pertaining
to Crime No.299 of 2025 pending investigation on the file of the respondent
police.

For Petitioner : Mr.M.Venkatesh

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



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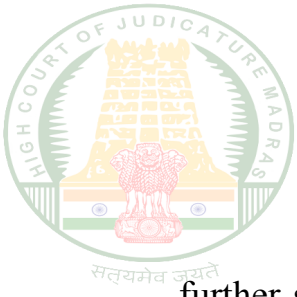
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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2025, for the offence punishable under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of BNS, 2023 in connection with Crime No.299 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner and another accused were found to be in illegal possession of 435 grams of banned tobacco products. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is in judicial custody from 31.05.2025 and hence, further custody of the petitioner is not required. He further submitted that the co-accused/A1 has been granted bail by the learned Judicial Magistrate, Ulundurpet. He



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further submitted that the petitioner, without prejudice to his rights, is 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 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 in this case, there are totally two accused, the petitioner is arrayed as A2. A1 already granted bail by the learned Judicial Magistrate, Ulundurpet and the petitioner has got one previous case.

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, the period of incarceration undergone by the petitioner and the co-accused/A1 has already been granted bail by the learned Judicial Magistrate, Ulundurpet, 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, Ulundurpet**, 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 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 Judicial Magistrate No.II, Ulundurpet 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;

[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, he 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



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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]**;

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

13.06.2025

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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.



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To

1.The Judicial Magistrate No.II,
Ulundurpet.

2. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.

3.The Superintendent,
Sub Jail, Ulundurpet.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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