



Crl.O.P.No.17010 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17010 of 2025

Chithirakumar @ Kumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Mudaliarpur Police Station,
Puducherry District.
(Crime No.80 of 2025).

... Respondent

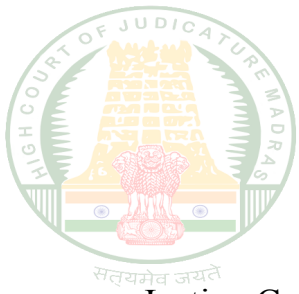
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner in Crime No.80 of
2025 pending investigation on the file of the respondent police.

For Petitioner : M/s.E.Brinda

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
08.05.2025, for the offences punishable under Sections 24(1) r/w 6(a)(b) of
Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile



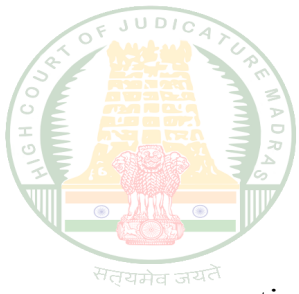
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Justice Care and Protection Act, 2015, in connection with Crime No.80 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found dumping huge quantity of banned tobacco products in the newly rented house of A2 with an intention to sell the same to the public near Catering college. 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. He further submitted that the co-accused/A3 and A4 were granted bail by the learned Sessions Judge, Puducherry. Hence, the custodial interrogation 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. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the



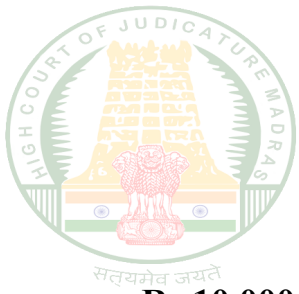
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prosecution case and submitted that in this case totally there are four accused, A1 is the prime accused. The co-accused/A2 is still in jail, from whom 483 kgs. of Hans seized. He further submitted that the A1 is hails from Hyderabad and he has got 2 previous cases, one in similar nature. He further submitted that the co-accused/A3 and A4 were granted bail by the learned Sessions Judge, Puducherry in Crl.M.P.No.782 of 2025 on 09.06.2025.

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

6. Considering the submissions made by the learned counsels on either side and the fact that co-accused/A3 and A4 were already granted bail by the learned Sessions Judge, Puducherry and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner is directed to make a non-refundable deposit of Rs.50,000/- [Rupees Fifty Thousand Only]** directly to the credit of **“Pondicherry Bar Association, Puducherry”**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one surety should be a local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.7, Puducherry, 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;

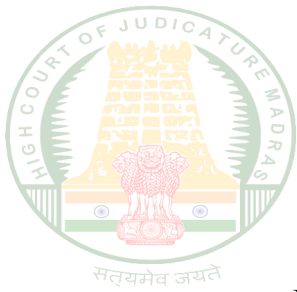
[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

[e] 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;

[f] 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



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P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];

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

16.06.2025

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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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M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate No.7,
Puducherry.

2.The Inspector of Police,
Mudaliarpot Police Station,
Puducherry District.

3.The Superintendent,
Puducherry Kalapet Central Prison.

4.The Public Prosecutor,
High Court of Madras.

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