



WEB COPY



Crl.O.P.No.17293 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17293 of 2025

Sankar

... Petitioner

Vs.

The State represented by
The Station House Officer,
Thirunavalur Police Station.
Crime No.715 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.715 of 2024 on the file of the respondent.

For Petitioner : Mr.M.Himavanth

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
02.06.2025, for the offence punishable under Section 123 BNS r/w Section
24 (1) of COTPA Act, 2003, in Crime No.715 of 2024, registered on the file
of the respondent, seek bail.



CrI.O.P.No.17293 of 2025

WEB COPY

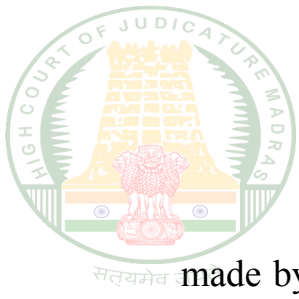
2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. The petitioner is in judicial custody from 02.06.2025 and hence, further custody of the petitioner is not required. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner. He also submitted that no contraband has been seized from the petitioner.

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

6.Considering the facts and circumstances of the case, submissions



CrI.O.P.No.17293 of 2025

WEB COPY

made by the learned counsels on either side, the fact that no contraband has been seized from the petitioner 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 -II, Ulundhurpet**, 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., for a period of three weeks; thereafter as and when required for interrogation;**

[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



WEB COPY



Crl.O.P.No.17293 of 2025

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 **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

ep

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



CrI.O.P.No.17293 of 2025

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 -II,
Ulundurpet.
- 2.The Station House Officer,
Thirunavalur Police Station.
- 3.The Sub Jail,
Ulundurpet.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.17293 of 2025

M.NIRMAL KUMAR, J.

ep

Crl.O.P.No.17293 of 2025



WEB COPY



CrI.O.P.No.17293 of 2025

16.06.2025