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CrI.O.P.No.18179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18179 of 2025

Ganeshbhai Rabari

... Petitioner/A1

Vs.

The State Rep. by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
Crime No.245 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.245 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2025, for the offences punishable under Sections 123 of BNS, 2023 and Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 in



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connection with Crime No.245 of 2025, registered on the file of the
respondent, seeks bail.

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2.The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of 300 kgs of banned tobacco products. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the above case and he has been falsely implicated in this case. The petitioner is in judicial custody from 13.06.2025 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. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner hails from Gujarat and if he released on bail, there is a possibility of abscondance.

5. Heard the learned counsel appearing for the petitioner and the



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learned Additional Public Prosecutor for the respondent Police 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 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, (out of which one shall be a local surety)** each for a like sum to the satisfaction of the **learned DM cum JM, Karimangalam**, 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**



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refundable) towards the account of SRI RAMACHANDRA INSTITUTE OF HIGHER EDUCATION AND RESEARCH, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Current Account No.471533180, IFSC Code No.IDIB000S180 and to produce the Bank Challan before the DM cum JM, Karimangalam 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 two 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



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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]**;

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

25.06.2025

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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 DM cum JM, Karimangalam
- 2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

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