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CRL OP No. 18595 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18595 of 2025

Silambarasan

Petitioner

Vs

The State Rep By The Inspector Of
Police
Kariyalur Police Station, Kallakurichi
District. (Crime No. 123 of 2025)

Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in pending
investigation in Crime No. 123 of 2025 on the Respondent Police.

For Petitioner: Mr.V.Gunasekar

For Respondent: Mr.R.Vinothraja
Government Advocate (Crl.Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.06.2025, for the offence punishable under Section 123 of BNS r/w Section 24(1) of Cigarette and other Tobacco Products Act, in connection with Crime No.123 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 65 kgs. 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 02.06.2025 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.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 the petitioner is the supplier of the contraband to the co-accused Murugesan and the said Murugesan was in possession of banned tobacco and was selling the said products in his petty shop and the same was seized by the respondent police. He further submitted that there are one previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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 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, Sankarapuram, and on further conditions that:

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[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 Fifty Thousand only) (Non 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 Judicial Magistrate, Sankarapuram 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



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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 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.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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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 State Rep By The Inspector Of
Police
Kariyalur Police Station, Kallakurichi
District. (Crime No. 123 of 2025)

2. The Judicial Magistrate,
Sankarapuram

3. The Superintendent,
Sub-Jail, Kallakurchi.

4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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