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CRL OP No. 18663 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18663 of 2025

KRISHNAMOORTHY

Petitioner(s)

Vs

The State Rep by, The Sub Inspector of
Police,
Ambur Town Police Station,
Tirupathur District.
Cr.No.147/2025.

Respondent(s)

PRAYER

This petition is filed under Section 483 of BNSS Act 2023, to grant bail to the petitioner pending investigation in Cr.No.147/2025 on the file of the respondent police.

For Petitioner(s): Mr.B.Gopalakrishnan

For Respondent(s): Mr.R.Vinothraja, GA (Crl.Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 07.06.2025 for the offence punishable under Sections 6(b), 24(1) of Cigarette and Other Tobacco Products Acts read with Section 123 of BNS Act in connection with Crime No.147 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 07.06.2025, the respondent police conducted vehicle inspection and found the petitioner with illegal possession of 1 Kg 778 gram of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel further submitted that the petitioner is suffering incarceration from 07.06.2025 and he 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. Learned Government Advocate (Crl.Side) appearing for the respondent



police reiterated the prosecution case and on instructions submitted that the contraband was seized and one previous case is pending against this petitioner.

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He further submitted that the case is under investigation, at this stage, if the petitioner is released on bail, there are every possibilities for tampering the witnesses and hampering the investigation, thereby, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, 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 Court, Ambur 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 report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen 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 Court, Ambur and the receipt shall be produced at the time of executing the bond;

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



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[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 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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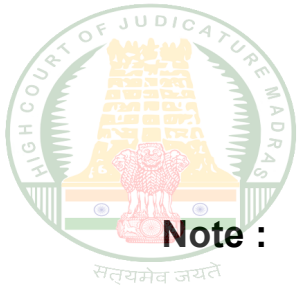
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

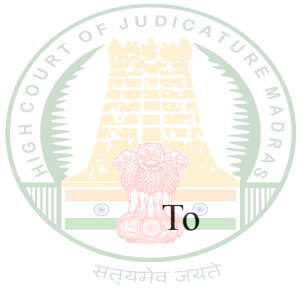
Neutral Citation: Yes/No



Note :

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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 Sub Inspector of Police,
Ambur Town Police Station, Tirupathur
District.

2. The Judicial Magistrate Court,
Ambur.
3. The Sub Jail, Ambur.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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