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CRL OP No. 18800 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18800 of 2025

1. Khima Ram

2. Rataram Deasi

Petitioner(s)

Vs

The State Rep. by the Inspector of
Police,
Hudco police station, krishnagiri
district. (crime No.184 of 2025)

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 483 of BNSS Act 2023 to enlarge the petitioners on bail pending investigation in Crime.No.184 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.P.M.Jayachandran

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



ORDER

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The petitioners, who were arrested and remanded to judicial custody on 20.06.2025, for the offences punishable under Sections 6, 20(1) of COTPA Act and Section 123 of BNSS in connection with Crime No.184 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 20.06.2025, while the respondent police were on their regular patrol duty, at that time the respondent police found the petitioners along with other accused attempting to transport 151 kgs of banned tobacco products illegally through vehicle bearing Reg.No.TN 18- AY 5555. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and have been falsely implicated in this case. The learned counsel further submitted that the petitioners are suffering incarceration from 20.06.2025 and they are ready to abide by any stringent condition that may



be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case, and on instructions submitted that the contraband was seized, the case is under investigation, at this stage, if the petitioners are released on bail, there are every possibilities for tampering the witnesses and hampering the investigation, thereby, he strongly opposed to grant bail to the petitioners.

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

6. Considering the facts and circumstances of the case, nature of allegations, the contraband was seized, submissions made by the learned counsels on either side, and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Hosur** 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] each of the petitioners shall deposit a sum of **Rs.50,000/-(Rupees 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 No.II, Hosur** and the receipt shall be produced at the time of executing the bond;

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



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

[f] the petitioners 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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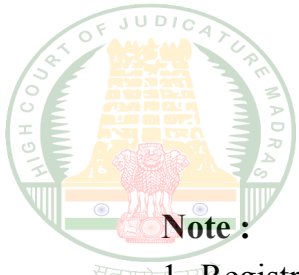
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



Note :

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
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1. The State Rep. by the Inspector of
Police,
Hudco police station, krishnagiri
district.

2. The Judicial Magistrate No.II,
Hosur.

3. The Sub Jail, Hosur.

4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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