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CRL OP No. 18819 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. 18819 of 2025

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Petitioner(s)

Vs

The State Rep By, The Inspector of
Police
Sankarapuram Police Station,
Kallakurichi District
(Crime No 381/2025)

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No 381 of 2025 pending investigation on the file of respondent police

For Petitioner(s): Mr.A.Gowtham

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



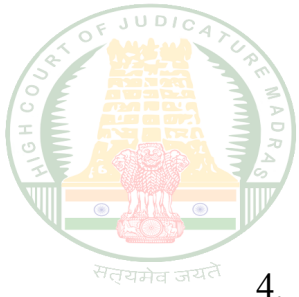
ORDER

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The petitioner, who was arrested and remanded to judicial custody on 21.06.2025, for the offences punishable under Sections 123 of BNS read with Sections 24(1) of COTPA Act in connection with Crime No.381 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent police conducted search at the petitioner's petty shop and found the petitioner with possession of 32 nos of cool lip packets, HANS @ Gutka 870 pockets and Vimal pan masala 600 pockets and VI Tobacco 600 pockets. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. The learned counsel further submitted that the petitioner is suffering incarceration from 21.06.2025 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.



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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 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, the contraband was seized, 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:

[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 and thereafter as and when required for interrogation;

[c] The petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only) (Non refundable)** to the credit of **Madras Advocate Cooperative Society Limited, Madras in Account No.484022647, Indian Bank, Madras High Court Branch, Madras** and to produce the **Bank Challan** before the learned **Judicial Magistrate, Sankarapuram** 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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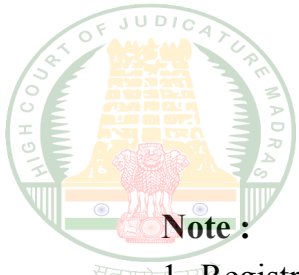
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



Note :

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 Inspector of Police
Sankarapuram Police Station,
Kallakurichi District.

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



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M.NIRMAL KUMAR J.

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