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Crl.O.P.No.19355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19355 of 2025

M.Kumar

... Petitioner/Accused

Vs.

The State Rep by,
The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.
(Crime No.228 of 2025).

... Respondent/Complainant

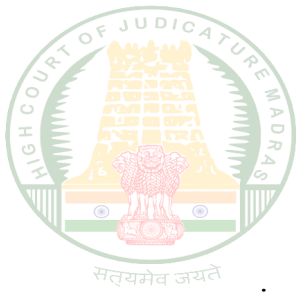
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.228 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.J.Santhosh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
13.06.2025, for the offence punishable under Sections 275, 123 of BNS, 2023 r/w
Section 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in



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connection with Crime No.228 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 2.084 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. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- 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 has got three previous cases.

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



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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 **V Metropolitan Magistrate, Egmore, Chennai**, 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.10,000/- (Rupees Ten Thousand only) (Non refundable) to the credit of Madras Advocate Co-operative Society Limited, Madras in Account No.484022647, Indian Bank, Madras High Court Branch, Chennai and to produce the Bank Challan before the learned V Metropolitan Magistrate, Egmore, Chennai and the receipt shall be produced at the time of executing the bond;**



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[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 any threat to the de facto complainant and witnesses;

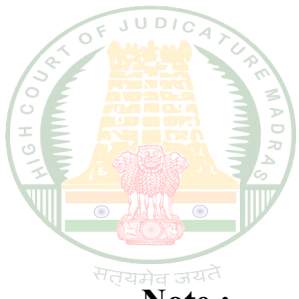
[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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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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 V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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