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CrI.O.P.No.18995 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18995 of 2025

Siva Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.

(Crime No.408 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.408 of 2025 on the file of the respondent Police.

For Petitioner : Mr.A.Vivek Ram

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2025 for the offences punishable under Sections 24(1) of Cigarette and Other Tobacco Products Act (COTPA) r/w Sections 123 of BNS Act, in Crime No.408 of 2025, on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the accused was found to be in illegal possession of banned tobacco products weighing 220 grams. Hence, the case.

3. The contention of the petitioner is that the petitioner is innocent and he was falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that without prejudice to defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that two previous cases of similar nature are pending against the petitioner.

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

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 **II Metropolitan Magistrate, Egmore**, and on further conditions that:

[a] The petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) (Non refundable)** to the credit of "The Tamil Nadu Advocate's Clerk's Association, Account Number : 484026006, IFSC Code : IDIB000M157, Indian Bank, Madras High Court Branch", and shall produce the proof of payment before the learned Magistrate concerned at the time of executing the sureties;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of two weeks, and thereafter, as and when required for further interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he 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 and shall not tamper with evidence or witness either during investigation or trial;

[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 :

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 II Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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