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Crl.O.P.No.20514 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20514 of 2025

Arjun Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-5, Foreshore Estate Police Station,
Chennai.

(Crime No.230 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.230 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Magesh Raj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
09.07.2025 for the offences under Section 123 of BNS and Section 24(1) of
Cigarette and other Tobacco Products Acts, 2003, in Crime No.230 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 2.040 kilograms. Hence, the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been 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 his 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 one previous case is 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 side 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 **XXIII Metropolitan Magistrate, Saidapet, Chennai - 15**, and on further conditions that:

[a] The petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) (Non refundable)** to the credit of "Madras High Court Advocates Association, Account Number : 484072519, IFSC Code : IDIB000M157, Indian Bank, Madras High Court Branch, Chennai – 600 104", and shall produce the bank challan and 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 interrogation;



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[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;

[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;

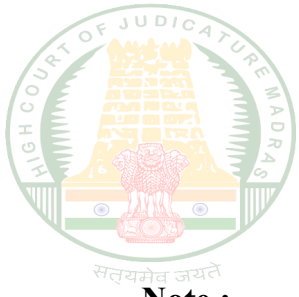
[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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.

22.07.2025

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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 XXIII Metropolitan Magistrate,
Saidapet, Chennai - 15
2. The Inspector of Police,
E-5, Foreshore Estate Police Station,
Chennai.
3. The Superintendent,
Saidapet Sub Jail, Chennai - 15.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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