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Crl.O.P.No.20509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20509 of 2025

1. Jafar

2. Ibrahim

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

(Crime No.189 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.189 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Thirumalai

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.06.2025 for the offences punishable under Section 123 of BNS, Section 24(1) of Cigarette and other Tobacco Products Acts, 2003 r/w Section 77 of JJ Act, in



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Crime No.189 of 2025, on the file of the respondent, seek bail.

2. The case of the prosecution is that the accused were found to be in illegal possession of 19.860 kilograms of banned tobacco products.

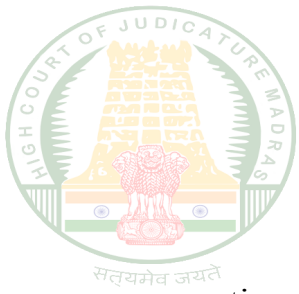
3. The contention of the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that without prejudice to defence, the petitioners are 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 petitioners. He further submitted that the petitioners hail from the State of Kerala and there is no previous case against them.

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 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



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executing separate bond each for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one surety should be the local surety and another one should be the family member of the petitioners), each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Annur, Coimbatore**, and on further conditions that:

[a] The petitioners shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** (Non refundable) each to the credit 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 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 petitioners 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;



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[d] the petitioners shall not abscond either during investigation or trial and he shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners 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 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]**;



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[h] If the accused thereafter abscond, 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 District Munsif cum Judicial Magistrate,
Annur, Coimbatore.
2. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
3. The Superintendent,
Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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