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CRL.O.P.No.20702 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23.07.2025**

CORAM

**THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**

**CRL.O.P.No.20702 of 2025**

M.Elumalai

Petitioner

Vs

State, rep by Station House Officer,  
Thiyagadurugam Police Station,  
Kallakurichi District.  
Crime No.289 of 2025

Respondent

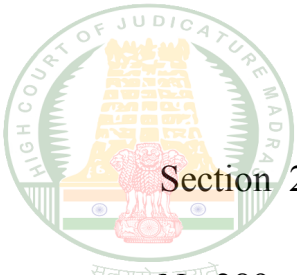
**PRAYER:** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in Cr.No.289 of 2025  
on the file of the Station House Officer, Thiyagadurugam Police station

For Petitioner : Mr.P.Rajavel

For Respondent : Mr.R.Vinothraja,  
Public Prosecutor.

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on  
03.07.2025, for the offence punishable under Sections 123 of BNS, 2023 r/w



Section 24(1) of Cigarette and Other Tobacco Products Act 2003, in Crime No.289 of 2025, registered on the file of the respondent, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused were found in possession of 11.694 kgs of banned tobacco products.

Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that, without prejudice to the defense and contention, petitioner is ready and willing to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization. . Hence, he prayed for grant of bail to the petitioner.

4. 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 was arrested on 03.07.2025.

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



6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering 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 directed to deposit a sum of **Rs.50,000/- [Rupees Fifty Thousand Only]** as non-refundable deposit directly to the credit of **“Sri Ramachandra University, Porur Branch, Sri Ramachandra University, Ramachandra Nagar, Porur, Chennai-600 116 in A/c.No.CA 6203243021, IFSC Code:IDIB000S180, Indian Bank,** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 No.II, Kallakurichi District** 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



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of any one of the identity proofs to ensure their identity;

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

[c] The petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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;

[f] 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];



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[g] If the accused thereafter absconds, a fresh FIR can  
be registered under Section 269 of B.N.S.

**23.07.2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.II,  
Kallakurichi District.
2. The Station House Officer,  
Thiyagadurugam Police Station,  
Kallakurichi District.
3. Sub Jail, Kallakurichi, Kallakurichi District.
4. The Public Prosecutor,  
High Court of Madras.



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**M.NIRMAL KUMAR J.**

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**23.07.2025**