



Crl.O.P.No.20795 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20795 of 2025

Mahendraprasath

.. Petitioner

Vs.

State rep by
The Inspector of Police
Attur town police station
Salem
Crime No.223 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. 223 of 2025 on the file of the respondent police.

For Petitioner : MrD.Venkatachalam

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2025, for the offence punishable under Sections 123 of BNS Act, 2023, Section 7(5), 20(2) of COTPA Act in Crime No. 223 of 2025, registered on the file of the respondent, seeks bail.



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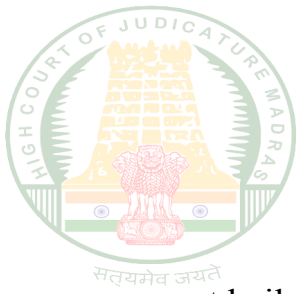
2. The case of the prosecution is that the petitioner was found to be in illegal possession of 4.020 kg of banned tobacco products namely 600 grams of Hans, 3 kg of Vimal Pan Masala and 420 grams of V1 tobacco. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 27.06.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, submitted that the petitioner was found to be in illegal possession of 4.020 kg of banned tobacco products. He further submits that one previous case is pending against the petitioner. Hence, he strongly opposed to grant bail to the petitioner.

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, considering the period of incarceration undergone by the petitioner, this Court is inclined to



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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 **Judicial Magistrate-1, Attur** 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 report before the respondent police daily at 10.30 am., for a period of three weeks and thereafter as and when required for interrogation.

[c] 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;



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[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:

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 Judicial Magistrate-1, Attur,
2. The Inspector of Police
Attur town police station
Salem
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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