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Crl.O.P.No.21962 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21962 of 2025

1.Malaiarasan

2.Saravanakumar

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Crime No.308 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.308 of 2025 on the file of the respondent.

For Petitioners : Mr.N.Senthil Kumar
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody
on 27.07.2025, for the offence punishable under Section 123 of BNS, 2023
and Section 7 and 20 (1) of COTPA Act, 2003, and 4 (1) (c) of the Tamil
Nadu Prohibition (Amendment) Act, 2024, in Crime No.308 of 2025,



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registered on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 594 kgs of banned tobacco products and 7.740 litres of Karnataka liquor. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. The petitioners are in judicial custody from 27.07.2025 and hence, further custody of the petitioners is not required. He further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.1,00,000/- each to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioners.

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

6.Considering the facts and circumstances of the case, the submission



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that the petitioners are willing to deposit an amount of Rs.1,00,000/- each to any welfare scheme of the Government or any other organization and 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 executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.2, Hosur**, 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each (Non refundable) towards the account of Sri Ramachandra Institute of Higher Education and Research, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Account No.471533180 IFSC Code No.IDIB000S180 and to produce the Bank Challan before the concerned Magistrate and the receipt shall be**



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produced at the time of executing the bond;

[c] the petitioners shall report before the respondent Police daily at 10.30.a.m., for a period of three weeks; thereafter as and when required for interrogation;

[d] the petitioners shall make himself 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;

[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]**;

[h] If the accused thereafter absconds, a fresh FIR



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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 2, Hosur.
- 2.The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
- 3.The Sub Jail,
Hosur.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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