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Crl.O.P.No.22327 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22327 of 2025

Saraoj Sah, M/A 34 years
S/o Bindheshwar Sah,
Ma Pa Si Nagar
Gummidipoondi Taluk
Thiruvallur District 601 201.

.. Petitioner/Accused 1

/versus/

State rep.by
Inspector of Police,
Sipcot Police Station
Gummidipoondi Taluk
Thiruvallur District 601 201.
(Crime No.209/2025)

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in connection with Crime No.209 of 2025 on the file of the respondent police.

For Petitioner

:Mr.S.V.Vasantha Kumar

For Respondent

:Mr.L.Baskaran

Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.07.2025, for the offences punishable under Sections 274, 275, and 123 of BNS and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2004 and Section 6(a) and 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.209 of 2025, registered on the file of the respondent, seeks bail.

2. The petitioner is the first accused from whom 10 kgs of banned tobacco products were seized while he was carrying them to supply to A1 petty shop. The worth of the seized contraband is about Rs.10,000/-. Case for the offences under Sections 274, 275, and 123 of BNS and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2004 and Section 6(a) and 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.209 of 2025 was registered in Crime No. 209 of 2025 and the petitioner was arrested on 10.07.2025.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that he has been in jail for more than one month.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that he is the supplier of the banned tobacco products. While he was carrying the contraband on his two wheeler to supply



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the contraband to A1 petty shop, he was arrested. He further submitted that the supplier of the contraband is under investigation.

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

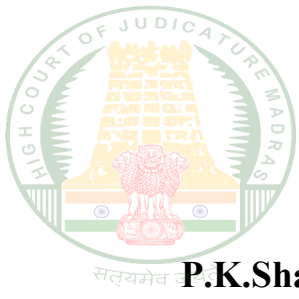
6. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is in prison for more than 30 days, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gummidipoondi** and one surety should be a blood relative 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 Investigating Officer as and when required for interrogation;

[c] 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



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P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];

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

11.08.2025

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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 Judicial Magistrate,
Gummidipoondi.

2.The Inspector of police,
Sipcot Police Station,
Gummidipoondi Taluk,
Thiruvallur District.

3.The Superintendent, Central Prison,Puzhal.

4.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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