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Crl.O.P.No.22448 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.22448 of 2025

Logeshwaran

... Petitioner

Vs.

State Rep.by
The Sub-Inspector of Police,
Omerabad Police Station,
Tirupattur District.
(Cr.No.266 of 2025)

... Respondent

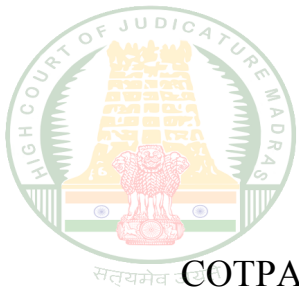
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.266 of 2025 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.07.2025, for the offence punishable under Section 123 of BNS and
Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 (the



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COTPA Act), in Crime No.266 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner, who is the owner of the petty shop in Machampattu village within the jurisdiction of Omerabad Police Station, was found in possession of 143.5 gms of banned tobacco products kept for sale. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has no antecedents and without knowing that the product was a banned item, had kept it in the shop. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

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

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



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6. Taking note of the fact that the petitioner is a first time offender and a petty shop owner, this Court is inclined to consider the bail petition sympathetically and grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on **depositing a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the account pertaining to Crime No.266 of 2025**. On such deposit, the surety may be considered and on further conditions that:

[a] The petitioner shall execute 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 **Additional District cum Judicial Magistrate, Ambur;**

[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 petitioner shall report before the respondent police as and when required;**



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[d] 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]**;

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

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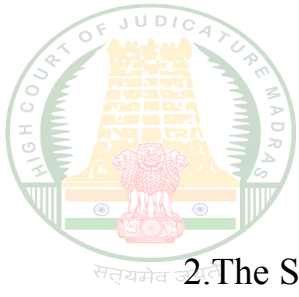
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Note :

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 Additional District cum Judicial Magistrate, Ambur



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2.The Sub-Inspector of Police,
Omerabad Police Station,
Tirupattur District.

3.The Sub Jail, Ambur.

4.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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