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Crl.O.P.No.22674 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2025

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22674 of 2025

S.Athimuthu

... Petitioner

-VS-

The State of Tamil Nadu
rep.by its the Inspector of Police
M-3, Puzhal Police Station
Tiruvallur District.
(Crime No.600 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. 600 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Arunkumar

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



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ORDER

The petitioner, who was arrested on 23.07.2025 for the offences punishable under Sections **123, 274 & 275 of BNS Act and under Sections 7, 9(ii) of Smoking and Spitting Act and under Section 77 of Juvenile Justice (Care and Protection Act, 2000), in Crime No.600 of 2025**, registered on the file of the respondent, seeks bail.

2. The petitioner, a petty shop owner was arrested on 23.07.2025 for possession of banned tobacco products meant for selling it to school students. The search of premises has led to recovery of the following banned tobacco products;

- (i) Kaja Beedi-44 packets
- (ii) GT Royal Bedi – 12 packets
- (iii) Gold Flake – 2 packets
- (iv) Balbiri – 9 packets
- (v) Amarican CLUB – Cigarate 1 packet
- (vi) Gold Flake Honey Dewt 1 packet
- (vii) Gold Flake Indemintt – 1 packet
- (viii) Mangalore Ganesh Beedi – 9 packets
- (ix) Wave Cigarate – 1 packet
- (x) Maldoro Gold Advance Cigarate – 1 packet



The petitioner is in prison for the past one month. There is no antecedents against the petitioner. The value of the tobacco products seized is Rs.1,500/-.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner and submitted that the petitioner has got no previous cases against him.

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

5. Considering the said fact, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on **depositing a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred Only) in the account pertaining to Crime No.600 of 2025 within a period of fifteen days.** 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



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learned **District Munsif-cum-Judicial Magistrate Court, Madhavaram,**

[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;

[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.

25.08.2025

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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 District Munsif-cum-Judicial Magistrate Court,
Madhavaram.
- 2.The Inspector of Police
M-3, Puzhal Police Station
Tiruvallur District.
(Crime No.600 of 2025)
- 3.The Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

dna

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