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Crl.OP.No.24125 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24125 of 2025

Dinesh Divasi

... Petitioner

-VS-

The State rep by,
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.445 of 2025)

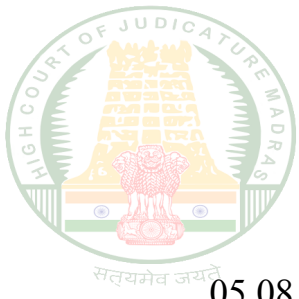
... Respondent

PRAYER: Criminal Original Petition has been filed under Section 483 of BNSS Act, pleaded to enlarge the Petitioner on bail in Crime No.445 of 2025 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER



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The Petitioner, who was arrested and remanded to judicial custody on 05.08.2025 for the alleged offences punishable under Sections 123, 275, 62 of BNS and Sections 7, 20(1) of COTPA Act in Crime No.445 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner seized 330 kg of banned tobacco products worth about Rs.2,13,321/- in Hundai Verna Car bearing registration No.TN-01-AS-6005 without proper permission. Hence this case.

3. The learned counsel for the Petitioner submitted that the Petitioner have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner seized 330 kg of banned tobacco products without proper permission and no previous case is pending against the petitioner. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. However, he would vehemently opposed to grant bail to the Petitioner.

5. Considering the facts and circumstances and also the fact and



considering the period of incarceration undergone by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.

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6. Accordingly, the Petitioner is directed to **deposit a sum of Rs.1,00,000/- (Rupees One lakhs only) to the credit of the Madras High Court Advocate Clerk Association, Chennai**, and on such deposit, the Petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (**one blood surety**), for a like sum to the satisfaction of the *learned Judicial Magistrate, Omalur*, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the Petitioner shall report before the respondent police on an alternative days at 10.30 a.m. for the period of three months;

(c) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the Petitioner shall not abscond either during



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investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the 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) AIR SCW 5560]*; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

10.09.2025

rna

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.



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To
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- 1.The learned Judicial Magistrate, Omalur.
- 2.The Inspector of Police,
Omalur Police Station,
Salem District.
- 3.The Superintendent of Prison,
Central Prison,Salem.
- 4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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