



Crl.O.P.No.24326 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **04.09.2025**

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24326 of 2025

1. Iyyappan

2. Jayalakshmi

3. Nandhini

... Petitioners

-VS-

State of Tamilnadu represented by
The Inspector of Police,
Vellore North Police Station,
Vellore District.
(Crime No.239 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.239 of 2025 on the file of respondent police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)



CrI.O.P.No.24326 of 2025

ORDER

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The petitioners, who were arrested and remanded to judicial custody on 20.08.2025, for the alleged offence punishable under Sections 6(a), 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of the BNS Act, 2023 in Crime No.239 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.08.2025 the respondent police is on rounds found that the petitioners were involved in possession of contraband substances in their petty shop. The confession of the arrested accused persons was recorded and seized 37-VI Tabacco 30 packets (0.35 grams x 1130 pieces), 38 – Vimala Pan Masala 30 pockets (0.25 grams x 1140 pieces), 40 – Cool lip 320 pocket (12.06 grams x 320 pieces), 119 – Hans Chaap Tabacco 15 pockets (20 grams x 1785 pieces) from the petitioners' petty shop nearby and total worth about Rs.28,290/-. Hence, the complaint.

3. The petitioners herein who are the shop owners of the petty shop are found in possession of 42.98 kg of contraband tobacco products.



Crl.O.P.No.24326 of 2025

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that these petitioners belong to one family. He further states that the first petitioner is having five previous cases of similar nature and his mother, the second petitioner is having two previous cases of similar nature.

5. This Court, on considering the said objections, dismissed the bail application insofar as the first and second petitioners who have previous cases and bad antecedents and the third petitioner who is the wife of the first petitioner being the first time offender.

6. Considering the said facts and circumstances, this Court is inclined to grant bail to the third petitioner, subject to certain conditions.

7. Accordingly, the third petitioner is ordered to be released on bail on her 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 No.IV, Vellore**, and on further conditions



Crl.O.P.No.24326 of 2025

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[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 third petitioner shall report before the respondent police 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 third 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]**;

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

04.09.2025

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CrI.O.P.No.24326 of 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 No.IV,
Vellore.
- 2.The Inspector of Police,
Vellore North Police Station,
Vellore District.
- 3.The Superintendent,
Vellore Central Prison, Thorapadi.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24326 of 2025

Dr.G.JAYACHANDRAN, J.

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Crl.O.P.No.24326 of 2025

04.09.2025