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Crl.OP.No.25406 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.25406 of 2025

Kumar

... Petitioner

Vs.

State Rep by
The Sub Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
(Cr.No.355 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
Cr.No.355 of 2025 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
30.08.2025 for the alleged offence under Sections 6(b), 24(1) of Cigarette
and other Tobacco Products Act, 2003 r/w 123 of Bharatiya Nyaya Sanhita

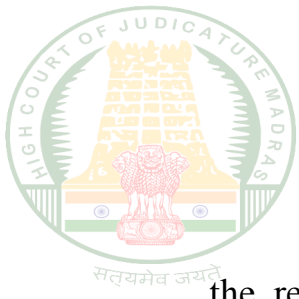


2023 in Crime No.355 of 2025 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 30.08.2025 at about 11.00a.m., the Special Sub Inspector of Police with other police officials while on patrol duty at Jangumapuram Village, they entered into the petitioner's grocery shop, on seeing them, the petitioner had attempted to escape from the scene of occurrence, however, they were managed and caught hold him and made search from the shop, they found that the petitioner was found in possession of banned tobacco products i.e., 27 packets of Hans, each packet containing 20 grams and the total weight of the tobacco product is 540 grams and the same were seized. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, the period of incarceration, the quantity of seized banned tobacco products and his antecedents, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Tirupattur** 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;



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[b] the petitioner shall report before the respondent police daily at 10.30a.m., for a period of three weeks;

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

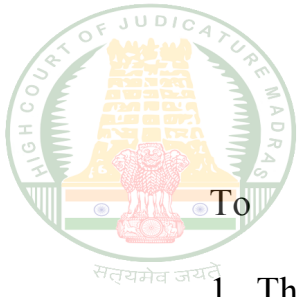
[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

16.09.2025

Vv

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
1. The Judicial Magistrate-II, Tirupattur

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2. The Sub Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.

3. The Central Prison, Vellore

4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

Vv

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