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Crl.O.P.No.25658 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.25658 of 2025

1. N. Akash
2. R. Rithesh Kumar @ Rithish Kumar
3. K. Rajesh

... Petitioners/ A1 to A3

Vs

The State rep. by,
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District,
(Crime No.291 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in
Crime No.291 of 2025 on the file of the respondent police.

For Petitioner(s) : M/s. S.R. Gerthanaasri

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



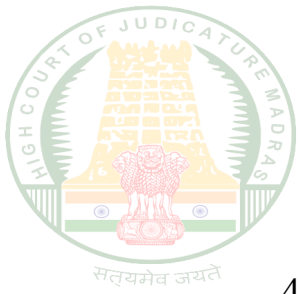
ORDER

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The petitioners, who were arrested and remanded to judicial custody on 24.08.2025, for the offences punishable under Section 123 of BNS and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.291 of 2025, registered on the file respondent police, seek bail.

2. The case of the prosecution is that based on a secret information, the respondent police went to the spot and found that the petitioners along with other accused were in possession of banned tobacco products such as around 16.6 kilograms of Cool Lip, 17.4 kilograms of Hans and 12 kilograms of Vimal Pan Masala for the purpose of sales. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are falsely implicated in this case and they are the employees under A5 and they are not aware about the storage of banned tobacco products in the place of A5. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioners, reiterated the prosecution case and on instruction submitted that the petitioners herein are arrayed as A1 to A3 in this case and the first petitioner/ N.Akash has two previous cases of similar nature and he is an habitual offender and assisting other accused in this offence. He also submitted that the second and third petitioners have no previous antecedents; and that the investigation is pending.

5. Considering the allegation against the first petitioner/ N.Akash and his previous antecedents, **this Court is not inclined to grant bail to the first petitioner/ N.Akash and the bail application of the first petitioner stands dismissed at present.**

6. Considering the facts and circumstances of the case, the period of incarceration undergone by the second and third petitioners/ R.Rithesh Kumar @ Rithish Kumar and K.Rajesh and the fact they have no previous antecedents, this Court is inclined to grant bail to the second and third



petitioners herein with certain conditions.

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7. Accordingly, the second and third petitioners/ R.Rithesh Kumar @ Rithish Kumar and K.Rajesh are ordered to be released on bail on their 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 District Munsif Cum Judicial Magistrate, Madhukarai** 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;

[b] **the second and third petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, 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 petitioners in accordance with law as if the aforementioned conditions have been



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imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

18.09.2025

stn

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, Madhukarai.



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K. RAJASEKAR, J.

stn

2. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District,
(Crime No.291 of 2025)
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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