



WEB COPY

Crl.O.P.No.26199 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.26199 of 2025

Thavasi

... Petitioner

Vs

The State rep. by,
The Station House Officer,
Vadaponparappi Police Station,
Kallakurichi District
(Crime No.223 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.223 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr.G. Balamanikandan

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



ORDER

WEB COPY The petitioner, who was arrested and remanded to judicial custody on 12.09.2025, for the offence under Sections 123 of BNS r/w 24(1) of COTPA Act in Crime No.223 of 2025, registered on the file of the respondent police, seeks 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 petitioner along with other accused were in possession of 720 pouches of HANS Chap which is a banned tobacco product. Hence a case was registered by the respondent police.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner's brother is running the shop and the petitioner is a college student. However, he is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.



WEB COPY

4.The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the contraband was recovered from the house of the petitioner and not from the petitioner and there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case, the period of incarceration undergone by the Petitioner and the fact that there is no previous case pending against the petitioner and the petitioner is a college student aged about 19 years , this Court is inclined to grant bail to the petitioner herein with certain conditions.

6.Accordingly, the petitioner is 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 Judicial Magistrate, Sankarapuram 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 petitioner shall report before the



Crl.O.P.No.26199 of 2025

WEB COPY

respondent police daily at 7.00 p.m., for a period of one week 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 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]**;

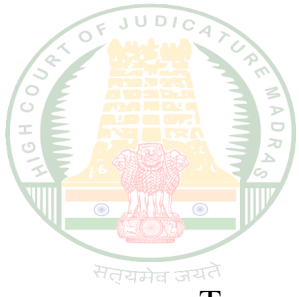
[d] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

23.09.2025

smn

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.



Crl.O.P.No.26199 of 202॥

To
WEB COPY

1. TThe Station House Officer,
Vadaponparappi Police Station,
Kallakurichi District
2. The Judicial Magistrate, Sankarapuram
3. The Superintendent, Sub Jail, Kallakurichi
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26199 of 2025

K. RAJASEKAR, J.

smn

Crl.O.P. No.26199 of 2025

23.09.2025