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Crl.O.P.No.26494 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.26494 of 2025

Elumalai

... Petitioner

Vs.

The State rep.by
The Station House Officer,
Vadaponparappi Police Station
Kallakurichi District.
(Crime No.215 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.215 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Gowtham

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



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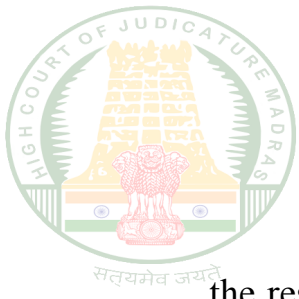
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ORDER

The petitioner, who was arrested and remanded to judicial custody on **04.09.2025** for the alleged offences punishable under Section **123 of BNS** r/w Section **24(1) of COTPA Act, in Crime No.215 of 2025** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 20 kgs of banned tobacco products Hence, the case.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any such offence 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 the petitioner is having no previous case. Hence, he opposed grant of 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 undergone by the petitioner and he has no previous 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, Sankarapuram** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety



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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 appear before the respondent Police daily at 10.30 a.m., for a period of three 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 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.

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dna



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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, Sankarapuram.
- 2.The Station House Officer,
Vadaponparappi Police Station
Kallakurichi District.
(Crime No.215 of 2025)
- 3.The Superintendent,
Sub Jail, Kallakurichi.
- 4.The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

dna

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