



WEB COPY



Crl.O.P.No.26941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.26941 of 2025

1.Iyyappan
2.Jayalakshmi

... Petitioners

Vs.

State represented by its
The Inspector of Police,
Vellore North Police Station,
Vellore.
(Crime No.239 of 2025)

... Respondent

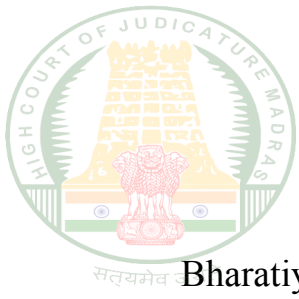
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners/Accused on bail
in Crime No.239 of 2025 pending on the file of the respondent Police.

For Petitioners : Mr.M.R.Thangavel

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

ORDER

The petitioners were arrested and remanded to judicial custody on
20.08.2025, for the offence punishable under Sections 6(a), 24(1) of
Cigaratte and Other Tobacco Products Act, 2003, and Section 123 of the



Crl.O.P.No.26941 of 2025

WEB COPY

Bharatiya Nyaya Sanhita, 2023, in Crime No.239 of 2025, registered on the file of the respondent, seeks bail.

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

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and have been falsely implicated in this case, and they have been in custody since 20.08.2025. Hence, he prays to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that this



Crl.O.P.No.26941 of 2025

WEB COPY

Court had earlier dismissed the bail petition filed by the petitioners in Crl.O.P.No.24326 of 2025 dated 04.09.2025. Hence, he strongly opposed the grant of bail to the petitioners. He further submitted that the petitioners have two previous cases of similar in nature.

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

6. Considering the overt act against the petitioners, the period of incarceration, and one of the co-accused was granted bail by this Court in Crl.O.P.No.24326 of 2025 dated 04.09.2025, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners 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 **Judicial Magistrate No.IV, Vellore**, 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



WEB COPY



CrI.O.P.No.26941 of 2025

Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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 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]**;



CrI.O.P.No.26941 of 2025

[g] If the accused thereafter absconds, a fresh

WEB COPY

FIR can be registered under Section 269 of B.N.S.

06.10.2025

cda

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.
- 3.The Central Prison, Thorapadi.
- 4.The Public Prosecutor,
High Court of Madras.

5/6



WEB COPY



Crl.O.P.No.26941 of 2025

K.RAJASEKAR, J.

cda

Crl.O.P.No.26941 of 2025

06.10.2025