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Crl.O.P.No.28115 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.28115 of 2025

Mohammed Ali

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Pernambut Police Station,
Pernambut Vellore District.
(Crime No.275 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.275 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.G.Vinodh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.04.2025, for the offence punishable under Sections 7(5), 20(2) of
Cigarette and other Tobacco Products Act, 2003, 274, 275, 123 of BNS, in
Crime No.275 of 2025, registered on the file of the respondent, seeks bail.



Crl.O.P.No.28115 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner was found in possession of 300 grams of banned tobacco products. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner and further submitted that the petitioner has no previous case.

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

6. Considering the nature of the offence committed by the petitioner and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:



CrI.O.P.No.28115 of 2025

WEB COPY

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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gudiyatham**, 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 respondent police daily 10.00 a.m. for a period of two weeks, and thereafter as and when required for interrogation;

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

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



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CrI.O.P.No.28115 of 2025

[e] the petitioner 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 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]**;

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

15.10.2025

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CrI.O.P.No.28115 of 2025

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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, Gudiyatham.
- 2.The Inspector of Police,
Pernambut Police Station,
Pernambut Vellore District.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28115 of 2025

K.RAJASEKAR, J.

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Crl.O.P.No.28115 of 2025

15.10.2025