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Crl.O.P.No.29975 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29975 of 2025

1.Sunil Gorah

2. Santhosh Roy

... Petitioners

Vs.

The State represented by
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
(Crime No.386 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.386 of 2025 pending on the file of the respondent Police.

For Petitioners : Mr.C.V.Kumar

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

ORDER

The petitioners, who was arrested and remanded to judicial custody
on 20.09.2025, for the offence punishable under Sections 123 of BNS and
Section 7 & 20(1) of cigarette and other Tobacco Products Act, 2003 in
Crime No.386 of 2025, registered on the file of the respondent, seeks bail.



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2. The allegation against the petitioners is that the petitioners was found in possession of 50 kgs of banned tobacco products. Hence, the case.

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

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and opposed for grant of bail to the petitioners.

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

6. 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.II, Hosur, Krishnagiri District** 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 petitioners shall report 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] 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;



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[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]**;

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

04.11.2025

sma

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.



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To

- 1.The Judicial Magistrate No.II,, Krishnagiri District..
- 2.The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
- 3.The Judicial Magistrate No.II, Hosur, Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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