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Crl.O.P.No.29258 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.29258 of 2025

V. Kumar

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Kallakurichi Police Station,
(Crime No.635 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.635 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. D. Babu Varadharajan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.10.2025 for the offences punishable under Section 123 of BNS read with Section 24(1) of COTPA Act, 2023 in Crime No.635 of 2025, registered on the file respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was involved in illegal possession and selling of banned tobacco products such as Hans Gutka - 13 pieces (20 grams each), Vimal - 30 pieces (750 grams), V1 Tobacco - 30 pieces (105 grams), total weighing about 1.115 kilograms of banned tobacco products. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody since 12.10.2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for



the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the petitioner has one previous case of similar nature; and that the investigation of this case is pending.

5. Considering the facts and circumstances of the case, nature of allegation, quantity of contraband involved in this case and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 No.1, Kallakurichi 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;



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[b] the petitioner 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 by the respondent police;

[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.

29.10.2025

stn

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



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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.1,
Kallakurichi District.
2. The Inspector of Police,
Kallakurichi Police Station,
(Crime No.635 of 2025)
3. The Superintendent,
Sub-Jail, Kallakurichi.
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

stn

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