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Crl.OP.No.31066 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31066 of 2025

Mahaboofusen

... Petitioner

-VS-

The State rep by,
The Sub-Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
(Crime No.325 of 2025)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 483 of BNSS Act, 2023, pleaded to enlarge the petitioner on bail pending investigation in Crime No.325 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Vinodhkumar

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.10.2025 for the alleged offences punishable under Sections 7(5), 20(2) of COTPA Act, 2003, r/w 123, 274, 275 of BNS, in Crime No.325 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that this petitioner is ranked as A1, he involved in the transportation of banned tobacco products of 66.552 kgs and the respondent police have seized the property. Hence this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and he is in judicial custody from 30.10.2025 and ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that no previous case is pending against the petitioner and the petitioner illegally transported 66.552 kgs of banned tobacco property without proper permission. Hence, he strongly opposes grant of bail to the petitioner.



5. Considering the facts and circumstances, and also the fact that the investigation is almost completed, and further considering 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 executing separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one blood surety)**, 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 surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** before the **Advocate Clerk Association, Gudiyatham** and report before the respondent police on every Saturday at 10.30 a.m. for the period of three months;

(c) the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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) AIR SCW 5560]*; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

13.11.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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



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T.V.THAMILSELVI, J.

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