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Crl.O.P.No.33653 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.33653 of 2025

Muthuvel

... Petitioner/ A3

Vs

The State rep. by,
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
(Crime No.344 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.344 of 2025 on the file of the respondent police.

For Petitioner(s) : M/s. G. Mageshkumar

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 26.09.2025 for the offences punishable under Sections 274, 275, 123 of BNS 2023 and Section 6, 24(1) of COTPA, 2023 and Section 77 of Juvenile Justice Act, 2015 r/w Section 7, 9(ii) of TN Prohibition of Smoking and Spitting Act, 2003 in Crime No.344 of 2025, registered on the file of the respondent police, seeks bail. The earlier bail application of the petitioner was dismissed by this Court, vide order dated 11.11.2025 in Crl.O.P.No.30797 of 2025.

2. The allegation against the petitioner herein is that, the petitioner along with four other accused was found in illegal possession of 900 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 he is in judicial custody since 26.09.2025; that the co-accused/ A2 was granted bail by this Court, vide order dated 02.12.2025 in Crl.O.P.No.33021 of 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 submitted that there are totally four accused involved in this case and the petitioner is arrayed as A3; that the petitioner has no previous antecedents; and that the major part of the investigation has been completed.

5. Considering the submissions made, facts and circumstances of the case, the contraband involved in this case has been already seized, the major part of the investigation has been completed and though the earlier bail application of the petitioner was dismissed by this Court in Crl.O.P.No.30797 of 2025, taking note of the period of incarceration undergone by the petitioner and the co-accused/ A2 was already released on bail by this Court in Crl.O.P.No.33021 of 2025, 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, Sriperumbudur** 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 at 10:30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[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]**;



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

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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,
Sriperumbudur.
2. The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
(Crime No.344 of 2025)
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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