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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.33021 of 2025

Kumar

... Petitioner

Versus

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 B.N.S.S., to
enlarge the petitioner on bail in Crime No.344 of 2025 on the file of the
respondent police.

For Petitioner : Mr.John Sathyan, Sr.Advocate
for Mr.A.Sasikumar

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

ORDER



The petitioner, who was arrested and remanded to judicial custody on 26.09.2025, for the alleged offence punishable under Sections 274, 275, 123 BNS, 6 & 24(1) of COTP Act 2003 and section 77 of JJ Act 2015 and section 7 r/w 9(ii) of TNPSS Act, 2003 in Crime No.344 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner joined hands with four other accused was found in illegal possession of 900 kgs of banned tobacco products. Hence, the complaint was lodged, and the petitioner was arrested and is in judicial custody from 26.09.2025.

3. Learned Senior counsel appearing for the petitioner submitted that the main accused in this case is A1 and that the petitioner, being the father of A1, has been falsely implicated due to his previous case. He further submitted that the petitioner is in judicial custody for more than 60 days and the final report has not yet been filed. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



respondent police reiterated the prosecution case and submitted that the petitioner was arrested on 26.09.2025 and that the petitioner has 18 previous cases pending against him, and all the cases are prohibition offences. He further submitted that the investigation is pending. However, he opposes to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on both sides and on perusal of the records, it is seen that the maximum punishment imposed against the petitioner for the offence registered in this case is to the extent 10 years. The petitioner is in custody for more than 60 days and though it is stated that the petitioner has 18 previous cases, all of them related to prohibition offences, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand**



only) with two sureties, 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 surety bond and the Magistrate
may obtain a copy of their Aadhar card or Bank pass Book 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] the petitioner shall not abscond either during
investigation or trial;

[d] the petitioner shall not tamper with the
evidence or witness 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];

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

02.12.2025

drl

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,
Sriperumbudur
- 2.The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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