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CRL O.P. No.35359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.12.2025

CORAM

THE HON'BLE Mr.JUSTICE P.DHANABAL

CRL OP.No.35359 of 2025

1.Dhanaram S/o.Vagaram
2.Ghewa Ram S/o.Sava Ram

... petitioners/A1-2

Vs

State represented by:

The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

[Cr. No.408 of 2025]

.... Respondent/ Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioners / Accused 1-2 in Cr.No.408 of 2025 on the file of the respondent police.

For petitioners : Mr.N.Balasubramanian

For Respondent : Mr. S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioners / Accused 1 and 3, who were arrested on 23.11.2025 and remanded to judicial custody on the same day for the offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Acts, 2003 and Section 123 of BNS, 2023, in Cr.No.408 of 2025 on the file of the respondent police seeks bail.

2. The case of the prosecution is during the search made by the



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respondent police, the petitioners were found in illegal possession of banned tobacco products total weight of 69 kgs 500 grams and hence he was arrested and remanded to judicial custody on 23.11.2025. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. They are in judicial custody for more than 30 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners were arrested and remanded to judicial custody on 23.11.2025 for illegal possession of 69.500 kgs of tobacco. The properties were seized from the accused. Further, he submitted that there are 2 previous cases as against the A2 and no previous case as against A1. Hence, he opposed to grant bail to the petitioners.

5. Heard both side counsels and perused the materials available on record.

6. Considering the rival submissions made on either side and
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considering the nature of offences and the quantity of materials involved in this case, and also considering the period of incarceration, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned **District Munsif-cum-Judicial Magistrate Court, Madukkarai**, and on further conditions that:

[b] the petitioners shall report before the respondent Police daily for a period of 30 days.

[c] the petitioners shall not commit any offence similar to the offence of which they were accused, or suspected, or of the commission of which they are suspected;

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or



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to any police officer or tamper with the evidence;

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[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

26.12.2025

Index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

ssa/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 official website of this Court will be watermarked and will also have a QR code.



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P.DHANABAL,J

ssa/sma

To

- 1.The District Munsif cum Judicial Magistrate Court, Madukkarai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, Chettipalayam Police Station, Coimbatore.
4. The Superintendent of Police, Central Prison, Coimbatore.

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