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CRL OP No. 35838 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-12-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35838 of 2025

Allwin

Petitioner(s)

Vs

The State Rep By its,
The Inspector of Police, Pollachi East
Police Station, Coimbatore District
Crime No.476 of 2025

Respondent(s)

PRAYER

The Criminal Original Petition is filed under Section 483 of B.N.S.S., to enlarge the petitioner on bail in connection with Crime No.476 of 2025 on the file of the respondent.

For Petitioner(s): Mr.P.Ponbalaji
For M/s. PON Law Associates

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.11.2025 for the offences punishable under Sections 24(1) of COTPA Act, 2003 and Section 123 of BNS, 2023 in Crime No.476 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that, based on secret information regarding the illegal transport of banned tobacco packets in a vehicle bearing Registration No.TN-36-AH-6943 on 19.11.2025, the respondent police officials conducted a search and found the petitioners in illegal possession of 142 Kgs of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner and he was arrested and remanded to judicial custody on 19.11.2025. According to the prosecution, the petitioner had illegally possessed 142 Kgs of banned tobacco products. In fact, the petitioner is innocent and he has not committed any offence as alleged by the prosecution. This case has been foisted against the petitioner for statistical purpose. Therefore prayed to grant of bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that this case was registered as against the petitioner for the illegal transport of the banned tobacco products and that the petitioner has no previous case of similar nature. However, he strongly opposed to grant bail to the petitioner.



5. Heard both sides and perused the materials available on record.

6. Taking into consideration of the facts and circumstance of the case and submissions made by the learned counsels, nature of offence and also considering the period of incarceration suffered by the petitioners and that there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioner 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 each for a like sum to the satisfaction of the **Learned Judicial Magistrate-I, Pollachi**, and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one month;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with



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the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[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
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
Jeni



To

1.The Judicial Magistrate-I, Pollachi.

2.The Superintendent, District Jail,
Coimbatore.

3.The Public Prosecutor, Madras High
Court, Chennai.

4.The Inspector of Police, Pollachi East
Police Station, Coimbatore District.



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P.DHANABAL J.

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