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CRL OP No. 35932 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. 35932 of 2025

1. Prakash Patel

2. Taloka Ram

Petitioner(s)/ A1 & A2

Vs

1. The State Rep By Its,
The Inspector of Police, Thimiri Police Station, Ranipet District
Cr.No.323 of 2025

Respondent(s)

PRAYER

To enlarge the petitioners on bail as against the case pending on the file of the
Respondent police in Cr.no.323 of 2025

For Petitioner(s): D.Thirumoorthy

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on
11.12.2025 for the offences punishable under Sections 7(5) & 20(2) of COTPA
Act, 2003 and Sections 49 & 123 of BNS Act, 2023 in Crime No.323 of 2025
on the file of the respondent police, seek bail.



2. The case of the prosecution is that, based on secret information regarding the illegal transport of Hans packets in a vehicle bearing Registration No.TN-07-CC-7967 on 11.12.2025, the respondent police officials conducted a search and found the petitioners in illegal possession of 520 Kgs of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioners would contend that the respondent police have registered a false case against the petitioners and they were arrested and remanded to judicial custody on 11.12.2025. According to the prosecution, the petitioners had illegally possessed 520 Kgs of banned tobacco products. In fact, the petitioners are innocent and they have not committed any offence as alleged by the prosecution. This case has been foisted against the petitioners for statistical purpose. Therefore prayed to grant of bail to the petitioners.

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

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 offences 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 petitioners are 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 District Munsif -cum- Judicial Magistrate No.I, Walajah** and on further conditions that:

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders;

[c] the petitioners 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 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 her from disclosing



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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 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
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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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 official website of this Court will be watermarked and will also have a QR code.



To

1. Learned District Munsif -cum- Judicial Magistrate No.I, Walajah
2. The Inspector of Police, Thimiri Police Station,
Ranipet District.
3. The Superintendent, Central Jail, Vellore.
4. The Public Prosecutor, Madras High Court, Chennai.



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P.DHANABAL J.

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