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CRL OP No. 35890 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. 35890 of 2025

Balamurugan

Petitioner(s)/ Accused No.1

Vs

The State Rep By, The Inspector of Police
Chidambaram Town Police Station, Cuddalore.
Crime No.374 of 2025

Respondent(s)

PRAYER

To enlarge the petitioner on bail in Crime No.374 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.A. Vinoth Kumar

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

ORDER

The petitioner / Accused-1, who was arrested and remanded to judicial custody on 11.12.2025 for the offences punishable under Sections 275 & 123 of BNS, 2023 r/w Section 24(1) of COTPA Act, 2003 in Crime No.374 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 sale of Hans packets at Thangamani Store, Chithambaram Kothaval Street, on 11.12.2025, the respondent police officials conducted a search and found the petitioner, along with the other accused, in illegal possession of 4,950 prohibited Hans packets. Hence, the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 275 & 123 of BNS, 2023 r/w Section 24(1) of COTPA Act, 2003 and he was arrested and remanded to judicial custody on 11.12.2025. According to the prosecution, the petitioner had illegally possessed 4,950 prohibited Hans packets. In fact, the petitioner is an 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 and other accused for the illegal sale of the banned tobacco products. The petitioner / A1 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 offences and also considering the period of incarceration suffered by the petitioner and that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner 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 No.II, Chidambaram, Cuddalore District** and on further conditions that:

[b] the petitioner shall report before the respondent police on every saturday at 10.30 a.m. for a period of four weeks;

[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

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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. The Inspector of Police,
Chidambaram Police Station,
Cuddalore.
2. The Judicial Magistrate No.II,
Chidambaram, Cuddalore District
3. The Superintendent, Central Prison, Cuddalore.
4. The Public Prosecutor, Madras High Court, Chennai.



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P.DHANABAL J.
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