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Crl.O.P.No.35930



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2025

CORAM :

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.35930 of 2025

Syed Mustafa

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Pallapatty Police Station,
Salem District.
(Crime No.453 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.453 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Vasudevan

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 21.11.2025, for the alleged offence punishable under Section 123 of BNS r/w 24(1) of COTPA Act, in Crime No.453 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against this petitioner is that, this petitioner was found in possession of 481 kgs of banned tobacco products illegally. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody since 21.11.2025; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that investigation is pending the petitioner is having three previous cases. Hence, he strongly opposed for grant of bail to the petitioner.



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

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6. Considering the nature of offences, though the petitioner is having three previous cases in all cases already bail was granted to him and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Salem*, and on further conditions that:-

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he 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 the facts of the case so as to dissuade him 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 BNS.

30.12.2025

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



To

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- 1.The Judicial Magistrate No.II, Salem.
- 2.The Inspector of Police,
Pallapatty Police Station,
Salem District.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL, J.

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