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CRL OP No. 17817 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 17817 of 2026

Mohammed Ali

..Petitioner(s)/A2

Vs

State Rep.by, The Inspector of Police
Vandavasi North Police Station,
Vandavasi, Tiruvannamalai.
Crime No.63 of 2026

..Respondent(s)

This petition under section 482 of BNSS to enlarge the petitioner on Bail in the event of arrest pending investigation in Crime No.63 of 2026 on the file of the respondent police.

For Petitioner(s): Mr.N.Kamalanathan

For Respondent(s): Mr.R.S.Indira
Government Advocate (Crl. Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 275, 123, 62 of BNS, 2023 and Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.63 of 2026, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of 7.5 kgs of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the recovery was not effected from this petitioner and based on the confession statement of co-accused, this petitioner was arrayed as an accused and he has no bad antecedents. He would further submit that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there are no previous cases as against the petitioner. However, he vehemently opposed for the grant of anticipatory bail.

5. From the submissions made by the learned Government Advocate, it is seen that the petitioner has no previous case of similar nature and that only based on the confession statement of co-accused, this petitioner has been arrayed as an accused. Though this Court is very serious in respect of the



offence against tobacco, this petitioner so far as not come to the adverse notice of the respondent. In such view of the position, this Court is of the firm view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **Judicial Magistrate, Vandavasi**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.**



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(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(g) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

10.07.2026

smv

To

1.The Inspector of Police
Vandavasi North Police Station,
Vandavasi, Tiruvannamalai.

2.The Judicial Magistrate, Vandavasi.

3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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