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CRL OP No. 18821 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 18821 of 2026

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No.12/303, poosari odai street, Pidagam,
elavanasur kottai, Ulundurpet taluk, Kallakurichi
district-606107

..Petitioner(s)

Vs

State rep by The Inspector of Police
No.12/303, poosari odai street, Pidagam,
elavanasur kottai, Ulundurpet taluk, Kallakurichi
district-606107Varanjaram Police Station,
Kallakurichi District.
Crime No.128 of 2026.

..Respondent(s)

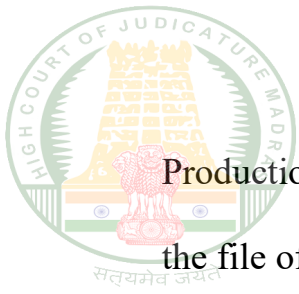
PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the
event of his rrest by the Respondent Police in Crime No. 128 of 2026 on the file
of the Respondent Police .

For Petitioner(s): M/S. D BENNINGTON

For Respondent(s): MR.N.PALANIVEL, GOVT.ADVOCATE
(CRL.SIDE)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections
123 of BNS, 2023 read with 24(1) of the Cigarettes and Other Tobacco
Products [Prohibition of Advertisement and Regulation of Trade and commerce,



Production, Supply and Distribution] Act, 2003 in Crime No.128 of 2026 on the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that the 1st accused alleged to have selling banned Gutka products in the provision shop. Based on his confession, the petitioner has been arrayed as A2 in this case alleging that he has supplied the banned products for selling to A1. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he 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. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that 7 kilograms of banned tobacco products were recovered from the first accused. Based on his confession, this petitioner has been arrayed in this case. He, however, fairly submitted that the petitioner has no criminal antecedents. However, he contended that, if the petitioner is released on bail, he may indulge in similar offences. At this juncture, the learned counsel for the petitioner voluntarily



undertakes to pay a sum of Rs.50,000/- to the Dean, Government Medical College Hospital, Kallakurichi. However, he opposed for grant of bail to the petitioner.

5. This Court considered the submission made by both side learned counsels.

6. From the submission made by the learned Government Advocate, it is seen that the petitioner has no criminal antecedents and that the case relates to the recovery of 7 kilograms of banned tobacco products. Considering the fact that the occurrence took place on 09.06.2026, and at this length of time the custodial interrogation of the petitioner is not required, this Court is inclined to enlarge the petitioner on anticipatory bail subject to following certain conditions.

7. 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 **learned Judicial Magistrate-II, Chengalpattu**, 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:



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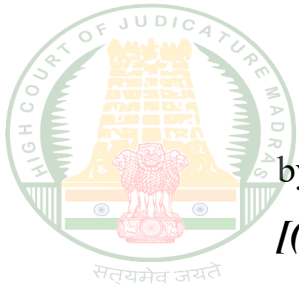
(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 is directed to make a non-refundable deposit of Rs.50,000/- [Rupees Fifty Thousand Only] directly to the credit of “The Dean, Government Medical College Hospital, Kallakurichi.” within a period of two weeks without prejudice to the right of the defence before the Trial Court and the receipt shall be produced at the time of executing the bond;

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

(e) 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];

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

16-07-2026

JRS

To

1. The Judicial Magistrate -I, Kallakurichi.

2. The Inspector of Police
Varanjaram Police Station,
Kallakurichi District.
Crime No.128 of 2026

3. The Public Prosecutor,
Madras High Court.



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C.KUMARAPPAN, J.

JRS

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