



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 23134 of 2026

1. E.Anbarasan
S/o. Elumalai,
No.375, Pillaiyar Kovil Street,
Chennasamudram, Tiruvannamalai,
Chengam, Tamil Nadu-606 701.
2. Monish Kumar
S/o. Harikrishna,
Babureddy Quarters Ward No.17, Anekal,
Bangalore, Karnataka-562 106.

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
Kalasapakkam Police Station,
Tiruvannamalai District.
Crime No.201 of 2026.

..Respondent(s)

Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, (BNSS) 2023, to enlarge the Petitioners on bail in
the event of arrest in the hands of Respondent in Crime No.201 of 2026 pending
investigation on the file Respondent Police.

For Petitioner(s): Mr. B. Hariharan

For Respondent(s): Mr. R. Rajasekaran,
Government Advocate (Crl.Side)



ORDER

The petitioners, apprehending arrest at the hands of the respondent Police for the alleged offence under Sections 275 & 123 of Bharatiya Nyaya Sanhita (BNS) 2023, and Section 24(1) of Cigarette and Other Tobacco Products Act, (COTPA) 2003, in Crime No.201 of 2026, on the file of the respondent police, have approached this Court seeking anticipatory bail.

2. The allegation against the petitioners is that during a routine inspection, the respondent police found them in possession of and selling banned tobacco products weighing approximately 169.69 kilograms in front of a government school. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case and that they have not committed any offence as alleged by the prosecution. He also submitted that the co-accused/A1 & A2 in connection with the same crime number were already granted bail in Crl. O.P. Nos.20433 & 21946 of 2026 dated 29.07.2026 and 10.08.2026 respectively, and solely based on their confession statement, the petitioners are arrayed as an accused in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent State reiterated the prosecution's case and, on instructions, submitted that the petitioners, who are arrayed as Accused Nos. 3 and 4, along with other accused persons, were found in possession of 150 kilograms of 'Hans' tobacco products valued at approximately Rs.30,000/- and 19.69 kilograms of 'Cool Lip' valued at approximately Rs.1,74,024/-. He further submitted that each of the petitioners has one criminal antecedent pending against them, and therefore, he strongly opposed the grant of anticipatory bail.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. Considering the facts and circumstances of the case, submissions made on either side, and the nature of the allegations levelled against these petitioners, and also taking note of the fact that the co-accused have already been granted bail, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.2, Tiruvannamalai**, on condition that **the petitioners**



shall execute a bond for a sum of Rs.20,000/- each (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 petitioners 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 petitioners are directed to produce a Demand Draft for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only) in favour of 'The Director/ Dean, of the Government Arignar Anna Memorial Cancer Hospital & Research Institute, Karapettai in Kancheepuram District, (Non refundable) before the learned Judicial Magistrate No.II, Tiruvannamalai, at the time of executing the bond;

(d) On production of the above Demand Draft, the learned Magistrate is directed to take necessary steps to hand over the same to the concerned Medical Officer. Upon receipt of the said amount, the Medical Officer shall realise and utilise the same strictly in accordance with law for the welfare of the hospital;



(e) The petitioners shall report before the respondent police daily at 10:30 A.M., for a period of two weeks and thereafter as and when required for interrogation;

(d) 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 petitioners are 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]***;

(e) If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

19-08-2026

KLT

To

- 1.The Judicial Magistrate No.2, Tiruvannamalai.
- 2.The Inspector of Police, Kalasapakkam Police Station, Tiruvannamalai.
- 3.The Public Prosecutor, High Court of Madras.



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N.RAMESH, J.

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