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Crl.O.P.No.32431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.12.2024

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THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No. 32431 of 2024

Hariharan @ Hari

... Petitioner

Vs

The State Rep. by,
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
[Cr. No. 576 of 2024]

... Respondent

PRAYER: The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to enlarge the petitioner on bail in the event of arrest on connection with crime No. 576 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Raman

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Section 275, 123 of BNS r/w 7 & 20(1) of COTPA Act and 4(1)(A) of TNP (Amendment) Act in Crime No.576 of 2024, on the file of the



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respondent police seeks anticipatory bail.

WEB COPY 2. The case of the prosecution is that the petitioner along with other accused were found with Swagat Gold, Hans, Coolip, Vimal Pan Masala, V1 Tobacco (totally 414 Kgs) of tobacco products and Karnataka Old Secret strong xxx rum 90 ml (96 bottles). Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner along with other accused were found with Swagat Gold, Hans, Coolip, Vimal Pan Masala, V1 Tobacco (totally 414 Kgs) of tobacco products and Karnataka Old Secret strong xxx rum 90 ml (96 bottles) and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the



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petitioner.

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5. Considering the representations made by both sides and nature of offences charged against the petitioner, 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/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No.1, Hosur, Krishnagiri District*** on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees one lakh only)** as non-refundable to the credit of Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No. 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832, within a



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period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court.

[b] the petitioner shall report **before the respondent police on everyday at 10.30 A.M. for a period of 30 days and thereafter as and when required for interrogation;**

[c] 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 of the Court or to any police officer.

[d] the petitioner shall not leave India without the previous permission of the Court.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[g] On breach of any of the aforesaid conditions, the learned 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



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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]***.

[h] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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L.VICTORIA GOWRI J.

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