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CrL.OP.No.104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 104 of 2025

Aravind Alias Arvind Giri
S/o.Achal Giri, Bamseen, Barmer, Rajasthan.

Petitioner(s)

Vs

State Rep. By, The Inspector Of Police
Variety Hall Road Police Station, Coimbatore
District. Crime No.178 Of 2024

Respondent(s)

For Petitioner(s):

W.Camyles Gandhi

For Respondent : Mr.S.Balaji,
Government Advocate (CrL.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7(1) r/w 20(1) COTPA Act and 123 of BNS, in Crime No.178 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused was found to be in illegal possession of 540 grams of banned tobacco products. Hence, the case.

3. Learned counsel for the petitioner would contend that only based on the confession statement of the co-accused/A1, this petitioner was arrested; that the co-accused was already granted anticipatory bail by this Court in CrI.OP.No.32415 of 2024 dated 27.12.2024; and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), per contra, would submit that the petitioner is a native of Rajasthan.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent police and perused the materials available on record.



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6. Considering the nature of allegations, the co-accused was already granted anticipatory bail; and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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 days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.V. Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, **with two sureties (one surety must be a blood related surety)**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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

[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial.

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

[f] 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 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 abscond, a fresh FIR can be registered
under Section 269 B.N.S.

17.02.2025

drl

To

1.The Inspector Of Police
Variety Hall Road Police Station,
Coimbatore District.

2. The Public Prosecutor, Madras High Court, Chennai.



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SUNDER MOHAN, J.

dr1

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