



WEB COPY



Crl.O.P. No. 274 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.274 of 2025

Anilkumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
E-1, Mylapore Police Station,
Chennai District.
Crime No. 412 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in
Crime No. 412 of 2024 pending on the file of the respondent.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.412 of 2024 registered for
the offences punishable under Sections 6(a), 24(1) of Cigarette and Other
Tobacco Products Act, 2003 r/w Section 123 of BNS is on board for



CrI.O.P. No. 274 of 2025

consideration.

2.The incarceration of the petitioner being from 20.12.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the respondent Police, on secret information, went to the tea stall run by the petitioner and on enquiry, came to know that the petitioner used to purchase banned tobacco products and sell the same. The respondent Police is said to have seized 2 Kgs and 838 grams of banned tobacco products from the petitioner. He further submits that there are no previous cases against the petitioner.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the "**Charu Home for Aged, Account**



Crl.O.P. No. 274 of 2025

Number : 2771201000291, IFSC Code : CNRB0002771, Canara Bank, Mahila Br., T.Nagar Chennai - 17" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet and on further conditions that:

[a] 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;

[b] the petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



WEB COPY



CrI.O.P. No. 274 of 2025

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

[e] 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]***;

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

08.01.2025

sai



CrI.O.P. No. 274 of 2025

WEB COPY

To

1. The XVIII Metropolitan Magistrate Court,
Saidapet.
2. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai District.
3. The Superintendent,
Sub Jail, Saidapet.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P. No. 274 of 2025

A.D.JAGADISH CHANDIRA, J.
sai

Crl.O.P. No. 274 of 2025

08.01.2025