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Crl.O.P.No.755 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

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

Crl.O.P.No.755 of 2025

Nattamkar Usman Ghani

... Petitioner

Vs.

The State represented by:
The Inspector of Police,
Pernampet Police Station,
Vellore.

(Crime No.527 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to grant anticipatory bail to the petitioner in the event of his arrest or on his appearance before any Court in Connection with the case in Crime No.527 of 2024 pending investigation on the file of the respondent Police herein.

For Petitioner : Mr.Murugesh Kasivel

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.527 of 2024 registered for the offences punishable under Sections Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act, 2003 and Sections 123 and 275 of BNS, 2023, the present petition has been filed seeking anticipatory bail.



2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court.

Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further 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.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner is that the petitioner and other accused were found to be in possession of 15 sacks containing 11,250 pouches of banned tobacco product 'HANS CHAAP TOBACCO', each pouch weighing approximately 20 gms and the total seized quantity was 225 kgs. He further submits that there is no previous case pending 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 "**Manasu, Account**



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Number : 024404406764190001, IFSC Code : CSBK0000244, CSB Bank,

Pallavaram Branch", 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. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent Police and perused the materials available on record, 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, Gudiyatham, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

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

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



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[d] the petitioner shall not abscond 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 BNS.

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To

1. The Inspector of Police,
Pernampet Police Station,
Vellore.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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