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CrI.O.P.No.2535 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.2535 of 2025

Ponraj

... Petitioner

Vs.

State Rep. by:

Inspector of Police

Pennalurpet Police Station, Tiruvallur District

(Crime No.317 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.317 of 2024, on the file of the respondent Police.

For Petitioner : Mr.M.Dhayalan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 275, 276, 123 of BNS r/w.77 of JJ Act and Section 6(a) and 24(1) of COTPA Act in Crime No.317 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner was found to be in possession of 1018 kgs of banned tobacco products.

3.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case; without prejudice to his contention, is prepared to deposit an amount of



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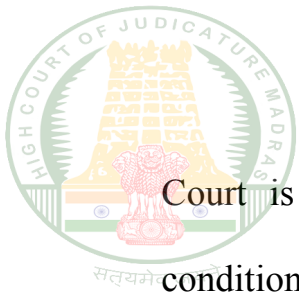
Rs.10,000/- towards any charitable organization or association and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertakes to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and on instruction submitted that there are no previous cases against the petitioner.

5.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of "**Tamil Nadu Advocate's Clerk's Association, Account No.484026006, Branch : Indian Bank, High Court, IFSC No. IDIB000M157**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

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

7.Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband were seized, the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this



Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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8. 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 on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate Court at Uthukottai**, on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[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



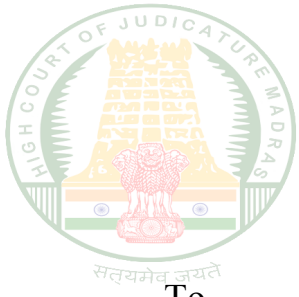
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have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

21.02.2025

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SUNDER MOHAN, J.
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To

1.The District Munsif cum Judicial Magistrate Court at Uthukottai

2.The Inspector of Police

T.R. Pattinam Police Station, Karaikal, Puducherry State

3.The Public Prosecutor,
High Court of Madras.

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