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CRL O.P. No.1303 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP.No.1303 of 2025

Narpathkumar

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Thoppur Police Station
Dharmapuri District.
[Cr. No.60 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner in Crime No.60 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Santosh

Government Advocate (Criminal side).

ORDER

The petitioner, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 279 and 328 of IPC read with 7 of Cigarette and other Tobacco Products Act, 2003 in connection with the Cr.No.60 of 2024 seeks anticipatory bail.



CRL O.P. No.1303 of 2025

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 29 bags of banned tobacco in his car. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for her due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner was found in illegal possession of 29 bags of banned tobacco. Hence, objected in granting bail to the petitioner.

5. Heard both sides and perused the materials placed on record. Considering the nature of offences and quantity of material involved in this case, I am of the view that custodial interrogation of the petitioner is



CRL O.P. No.1303 of 2025

not warranted, thus, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate, No.II, Dharmapuri** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] 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 to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;



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CRL O.P. No.1303 of 2025

G.R.SWAMINATHAN, J.

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.01.2025

dhk

To

1. The Judicial Magistrate No.II, Dharmapuri
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police,
Thoppur Police Station
Dharmapuri District.

CRL O.P. No.1303 of 2025

4/4