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Crl.O.P.No.6347 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.6347 of 2025

Sohan Lal

Petitioner(s)/ Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.359 of 2023).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.359 of 2023 on the file of the respondent police.

For Petitioner(s) : Mr. R. Krishnamurthy

For Respondent(s) : Mr. S. Santhosh,
Government Advocate (Crl. Side)



ORDER

WEB COPY The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7 and 20(1) of Cigarette and Other Tobacco Products Acts, 2003 and under Sections 273 and 328 of IPC in Crime No.359 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the Accused No.1 was in illegal possession of 840 kilograms of banned Tobacco Product (Hans); that based on the confession of the arrested accused/ A1, the petitioner was implicated in this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, based on the confession of the co-accused; 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 undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is arrayed as A2 in this case, based on the confession of the arrested accused/ A1; that the contraband was seized from A1; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the contraband was seized from the co-accused, the petitioner has no bad antecedents and implicated only on the confession of the co-accused and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days



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from the date on which the order copy made ready, before **the learned Judicial Magistrate, Omalur** 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 everyday at 10:30 a.m., until further orders.

[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,



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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.

12.03.2025

stn

To

The Inspector of Police,
Omalur Police Station,
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SUNDER MOHAN, J.

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