



CRL OP NO. 1421 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1421 of 2025

Azhagunathan
S/O. Subbarayan, No.107 (A) Mooppanar Kovil Street
Somasipalayam, Ulundurpettai Taluk, Kallakurichi District

Petitioner(s)

Vs

State Rep By
The Inspector of Police, Pudupettai Police Station, Cuddalore
District Crime NO. 10 of 2025

Respondent(s)

For Petitioner(s):

S Thirugnanam
S.Stalin
D.Pazhani
D.Krishnaraj

For Respondent(s):

S.Santhosh
Government Advocate (criminal Side)
Madras High Court.

ORDER

The petitioner apprehend arrest at the hands of the respondent police for the offences punishable under Sections 273 and 125 of BNS r/w 24(1) COTPA Act in Crime No.10 of 2025, on the file of the respondent police, seek anticipatory bail.

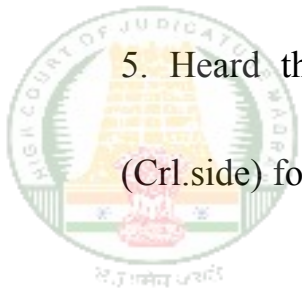


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2. The case of the prosecution is that the respondent Police received secret information about illegal selling of tobacco product. Based on search, they found that the petitioner along with the other accused was found in possession of 15 Pockets of Hans weighing about 20 grams each. Hence, this case.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner had not committed any offence as alleged by the prosecution and without prejudice to their contention, the petitioner is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police vehemently opposed for grant of anticipatory bail to the petitioner by stating that the petitioner along with other accused were in possession of 15 Pockets of Hans weighing about 20 grams each. He also submitted that the petitioner has no previous case.



5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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6. Considering the facts and circumstances of the case and the quantity of contraband involved in this case, this Court is inclined to grant anticipatory bail to the petitioner. However, taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of District Legal Services Authority, Cuddalore District**, without prejudice to their rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting their guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousands only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Cuddalore District**, and on such deposit and on receipt of proof



of payment, the petitioner is ordered to be released on bail in the event of arrest or non-appearance, within a period of fifteen days from the date on which the order copy made

ready, before the ***Judicial Magistrate No.II at Panruti, Cuddalore District*** on condition that

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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 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 conditions that:

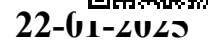
[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[d] 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];**

<https://www.mhc.tn.gov.in/judicial> **[e] If the accused thereafter abscond, a fresh FIR can be registered under Section**



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<https://www.mhc.tn.gov.in/judis>