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Crl.O.P.No.1526 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1526 of 2025

1. Sunil Patel
2. Santhosh Kumawath

... Petitioners

Vs

The State Represented by
Sub-Inspector of Police,
Latheri Police Station,
Vellore District,
(Crime No.5 of 2025)

... Respondent

For Petitioner : Mr.Vijaya Sankar

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

ORDER

Apprehending arrest in connection with Crime No.5 of 2025 registered for the offences punishable under Sections 7 (5) and 20 (2) of COTPA Act, 2003 r/w 123 of Bharathiya Nyaya Sanhita (BNS) 2023, the present petition has been filed seeking anticipatory bail.



2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution and they have been falsely implicated in this case, only based on the confession of the arrested accused. He also submits that without prejudice to the defence and contention, he is ready and willing to deposit a sum of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

3. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail to the petitioners, stating that the petitioners along with other accused had involved in illegal possession of banned cool lips pockets and Hans pockets. He also submitted that the first petitioner herein have two previous cases and the second petitioner has no previous case and the investigation is still pending.



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4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

5. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the first petitioner have two previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner. Taking into consideration that fact that the second petitioner has no previous case, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Considering the voluntary submission made by the learned counsel for the petitioners, the second petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the District Legal Services Authority, Katpadi, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Accordingly, the **second 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 Judicial Magistrate Court, Katpadi** on condition that the second 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] if the second petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the Second petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

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

[d] the second 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 petitioners in accordance with law as if the



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conditions have been imposed and the petitioners 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.

8. Accordingly, this criminal original petition with respect to first petitioner is dismissed, as far as the second petitioner is concerned, this criminal original petition is allowed.

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A.D. JAGADISH CHANDIRA, J.

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