



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 28.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1801 of 2025

Kannan

.... Petitioner

Vs

The State of Tamil Nadu through
The Inspector of Police,
Gengavalli Police Station,
Salem.
(Crime No. 10 of 2025)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the
event of his arrest in Crime No. 10 of 2025 on the file of the respondent police.

For Petitioner : Mr.Deepan Uday
For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.10 of 2025 registered
for the offences punishable under Section 123 & 286 of BNS, 2023 and Section
24(1), 6(a) of Cigarette and other Tobacco Products Act, 2003, the present
petition has been filed seeking anticipatory bail.

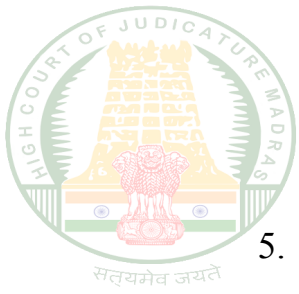


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2. The case of the prosecution is that the petitioner herein is an accused in a case, where 45 kgs of banned products and 3.75 kg of Vimal Pan Masala, valued Rs.24,000/- were found from a two wheeler. The tobacco products and the two wheeler were seized by the respondent police.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that 45 kgs of tobacco products and 3.75 kg of Vimal Pan Masala were seized from the petitioner's two wheeler. He further submitted that there is no previous case has been registered against him.



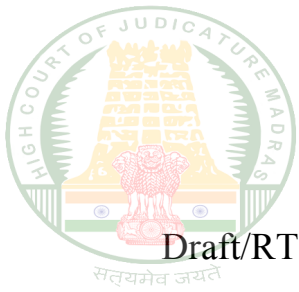
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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking into consideration the voluntary submission made by the learned counsel for 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.10,000/- (Rupees Ten Thousand only) to the credit of District Legal Services Authority, Salem District, without prejudice to his rights and contentions before the trial Court. this Court is of the view that the petitioner may be granted bail.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his 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.10,000/- (Rupees Ten Thousand only)** by way of Demand



Draft/RTGS/NEFT to the credit of the **District Legal Services Authority,**

Salem 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court No.2, Attur, Salem District,** 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks, thereafter on every Saturday 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, 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



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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 BNS.

28.01.2025

Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
Gengavalli Police Station,
Salem.

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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