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CRL OP NO. 2056 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2025

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**CRL OP NO. 2056 of 2025**

Narayanan

Petitioner(s)

Vs

The State of Tamilnadu,  
Represented by the Inspector of Police,  
Peelamedu Police Station, Peelamedu Post,  
Coimbatore City – District. (Crime No.798 of 2024)

Respondent(s)

**For Petitioner(s):** Mr.D.Veerasekaran

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

**ORDER**

Apprehending arrest in connection with Crime No.798 of 2024 registered for the offences punishable under Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, (COTPA), 2003, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of different kinds of banned tobacco products, for sale to the public. Hence, this case.



3. The learned counsel for the petitioner submits that the petitioner is an innocent person who has been falsely implicated in this case. The petitioner has no connection with the offence as alleged by the prosecution. He further submitted that, without prejudice to his contentions, the petitioner is willing to deposit a non-refundable amount to 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 opposed the granting of anticipatory bail to the petitioner, stating that the petitioner is the accused/A3, a wholesale dealer of tobacco products. The accused/A2 is the father of the petitioner/A3. The quantity involved in this case is 86 kg of tobacco products, and there are six accused in total. A co-accused has already been granted anticipatory bail by this Court in Crl.O.P.No.281 & 297 of 2025 dated 08.01.2025. The worth of the contrabands is approximately Rs.86,000/-. Further, he submits that the petitioner has no previous case pending against him.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent and perused



the materials available on record.

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6. Taking into consideration the facts and circumstances of the case and also considering the fact that the co-accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner. However, in order to curb illegal activities and 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.15,000/- (Rupees Fifteen Thousand only) to the credit of District Legal Services Authority, Coimbatore District, without prejudice to his 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 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.15,000/- (Rupees Fifteen Thousand only)** by way of Demand



Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Coimbatore 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 on which the order copy made ready, before the **learned Judicial Magistrate No.2, Coimbatore District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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 daily at 10.30 A.M., until further orders;**

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



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**[d]** the petitioner shall not abscond either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

**29-01-2025**

**klr**

To

- 1.The Inspector of Police,  
Peelamedu Police Station, Peelamedu Post, Coimbatore City – District.
- 2.The Judicial Magistrate No.2, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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**A.D. JAGADISH CHANDIRA, J.**

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