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CRL OP NO. 4191 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4191 of 2025

DINESH

S/o.Sulthan Ram, No.10/31, Avoor Muthal
Mastry Street, New Washerman Pet, Chennai

Petitioner(s)/A3

Vs

State Rep By, The Insepctor Of Police
S1, St Thomos Mount Police Station, (cr.No 7
Of 2025)

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
bail in the event of arrest in Crime No. 7 of 2025 pending on the file of
the respondent police.

For Petitioner(s):

Mr. S.Ezhil Raj

For Respondent(s):

Mr.S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 123 BNS
r/w 24(1) of Cigarette and other Tobacco Products Act, 2003, Crime No.
7 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused persons (A1 and A2) were found in illegal possession of the following contraband viz., 180 kgs of Vimal pakku, 20.800 kgs of tobacco jaridha and 240 kgs of Hans of Panmasala gutka. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that no contraband was seized from the petitioner/A3; that the co-accused was arrested on released on bail and in any case custodial interrogation of the petitioner is not required for the purpose of investigation and hence, he prayed for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that that based on the confession statement of the co-accused, the petitioner/A3 was implicated in this case.

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



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materials available on record.

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6. Considering the submissions made on either side; nature of allegation; that contraband was recovered from the co-accused; that based on the confession of the co-accused, the petitioner/A3 was implicated in this case; that the co-accused was arrested and released on bail 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 subject to the following conditions:

(a) 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 from the date of receipt of a copy of this order, before the **Judicial Magistrate _ I, Alandur** on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police every day at 10:30 a.m., until further orders and the petitioner shall deposit an amount of Rs.20,000/- to the District Legal Services Authority, Chennai;



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[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 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.

18.02.2025

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To
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