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CrI.O.P.No.2139 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. 2139 of 2025

Parthiban
S/o. Kasi, No.2/96A, Bajanai Koil Street,
Ramalingapuram Thiruvallur District

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police,
Arakkonam Town Police Station, Ranipet
District. Cr.No.103 of 2025.

Respondent(s)

For Petitioner(s): Muthamizh Selvakumar P

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 275 and 123 of BNS r/w Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.103 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the accused person had involved in selling banned tobacco products and based on his confession, it has been revealed that the petitioner along with other accused had supplied the same. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected to the alleged offence and the petitioner, without prejudice to his contention, is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and also abide by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police opposed for granting of anticipatory bail to the petitioner by stating that, the petitioner along with other accused had involved in



illegal selling of banned tobacco products, for their personal gain. He also submitted that the quantity of tobacco products involved in this case is about 2.6 kilograms and further, the petitioner herein 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.

6. Taking into consideration the facts and circumstances of the case and the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner and also 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) to the credit of District Legal Services Authority, Ranipet 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.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Ranipet 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 - I, Arakkonam Court* 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 everyday 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 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].



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A.D.JAGADISH CHANDIRA, J.

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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

29.01.2025

stn

To

1. State Rep.By, The Inspector Of Police,
Arakkonam Town Police Station,
Ranipet District.
Cr.No.103 of 2025.

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