



Crl.OP.No.2367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2367 of 2025

Esakkimuthu Thangavel

... Petitioner

Vs.

State by Tamil Nadu,
The Sub-Inspector of Police,
Kovilapalayam Police Station,
Coimbatore.
(Crime No.581 of 2024)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail on event of arrest in Crime No.581 of 2024 on the file of the respondent police.

For petitioner : Ms.C.Chanthiraganth

For Respondent : 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 24(1) of Cigarette and other Tobacco Products Act 2003 and under Section 123 of BNS, in Crime No.581 of 2024, seeks anticipatory bail.



2. The case of the prosecution is that, on 21.11.2024, while the respondent were in regular patrol, A1 was found to be in possession of contraband, namely, V1-30 grams, totaling 109 packets, SWAGATH-360 grams, totaling 47 packets, HANS-300 grams, toaling 84 packets, VIMAL-75 grams totaling 118 packets and based on confession of A1, the petitioner/A2 was arrayed as an accused. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that only on confession of A1, the petitioner has been arrayed as an accused; and that the petitioner is ready to abide by any condition, that may be imposed by this Court. Therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, per contra submitted that the petitioner along with arrested accused had involved in selling of 54 kilograms of tobacco products. He would further submit that there are four previous cases of



similar in nature are pending against the petitioner. Therefore, he opposed for granting anticipatory bail to the petitioner.

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

6. Considering the nature of allegations; and the tobacco products were already seized from A1; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **District Munsif Cum Judicial Magistrate, Annur, Coimbatore**, 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] 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 abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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



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learned Magistrate/Trial Court himself as laid down
by the Hon'ble Supreme Court in ***P.K.Shaji vs. State
of Kerala*** reported in [(2005)AIR SCW 5560];

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

05.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Sub-Inspector of Police,
Kovilapalayam Police Station,
Coimbatore.

2.The District Munsif Cum Judicial Magistrate,
Annur, Coimbatore.

2. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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