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Crl.O.P.No.2323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2323 of 2025

1. R. Arif Khan
2. Mohammed Farook

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police,
Bazaar Police Station, Coimbatore. (Crime No.
20 of 2025)

Respondent(s)

For Petitioner(s): Kathir M N

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(b), 24(1), 7(1) and 20(1) of Cigarette and other Tobacco Products Act, 2003, Section 77 of Juvenile Justice (Care and Protection of Children) Act and Section 123 of BNS in Crime No.20 of 2025, on the file of the respondent police, seek 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 was in possession of 450 kilograms of Hans, 132 kilo 600 grams of Vimal Pan Masala, 53 kilo 40 grams of VI Tobacco, 103 kilo 420 grams of Cool Lip, 11 kilo 640 grams of RMD Pan Masala, 1 kilo 500 grams of M scented tobacco gold, 11 kilo 925 grms of Ganesh tobacco and 2 kilograms of Swagat gold tobacco and used the said contraband for sale to the public; that based on his confession, the petitioners were arrayed as accused. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and falsely implicated in this case; that the petitioners have never committed any offence as alleged by the prosecution; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and he prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the



respondent police opposed for the grant of anticipatory bail to the petitioners, stating that the petitioners along with other accused had involved in illegal possession and sale of banned tobacco products to the public; that the petitioners herein have no previous cases; and that the investigation is pending.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, the fact that the petitioners have no previous cases and since custodial interrogation is not necessary, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate - IV, Coimbatore** on condition that the petitioner shall



execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with



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law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

31.01.2025

stn

To

1. State Rep.By, The Inspector Of Police,
Bazaar Police Station,
Coimbatore.
(Crime No. 20 of 2025)

SUNDER MOHAN, J.

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