



WEB COPY



Crl.O.P.No.2350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2350 of 2025

Mahendran

Petitioner(s)

Vs

The State rep by, The Inspector of Police,
B-1 North beach Police Station, (Crime No. 40 of
2025)

Respondent(s)

For Petitioner(s): Karthick V

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 132 of BNS and Sections 24(1) and 6(b) Cigarette and Other Tobacco Products Act, 2003 in Crime No.40 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on a secret



information, the respondent police went to the place of occurrence and found 200 packets of Baba black deluxe chewing each packets containing 50 grams and 94 packets of Rajinigandha Pan masala each packets containing 100 grams; that upon enquiry, it is found that the petitioner along with other accused had kept the said contraband for illegal sale to the public. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is 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 prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused were in illegal possession and sale of contraband to the public; that the petitioner has no previous cases and that the investigation is pending.



WEB COPY

5. Heard the learned counsel for the petitioner 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 petitioner has no previous cases and since, custodial interrogation is not required, 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 days from the date on which the order copy made ready, before **the learned VII Metropolitan Magistrate at George Town, Chennai** 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:

WEB COPY

[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].

[f] If the accused thereafter absconds, a fresh FIR



WEB COPY



Crl.O.P.No.2350 of 2025

can be registered under Section 269 of B.N.S.

31.01.2025

stn

To

1. The State rep by, The Inspector of Police,
B-1 North beach Police Station,
(Crime No. 40 of 2025)

SUNDER MOHAN, J.

stn



WEB COPY



Crl.O.P.No.2350 of 2025

Crl.O.P. No.2350 of 2025

31.01.2025