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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2470 of 2025

Faruk @ Paruk .. Petitioner

Vs.

The State rep by
Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
(Crime No.392/2024) .. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.392 of 2024 on the file of the respondent Police.

For Petitioners : Mr.E.Sathiyaraj Elangovan

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 Product Act 2003 and Section 123 of BNS 2023, in Crime No.392 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that, on 20.12.2024, while the respondent are in regular vehicle check up, they found that the A1 was in illegal possession of banned tobacco products namely, Hans 50 pocket (750 pieces), Coolip 5 pocket (40 piece), Vimal-18 Pocket (540 pieces) and the respondent police seized and arrested A1. Based on the confession of A1, the petitioner/A2 was arrayed as an accused and he was arrested and released on bail by the order of Principal District and Sessions Judge, Tiruvannamalai in Crime No.392 of 2024; and that the petitioner was not formally remanded in the said crime number and hence, his surety was also not accepted. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that only based on the confession of A1, the petitioner was arrayed as an accused and he was arrested and released on bail. He would further submit that the petitioner had complied with the conditional order and had deposited Rs.7,000/- to **"JDSRF-DPHPM, Tiruvannamalai,"** as directed by the Principal District and Sessions Judge, Tiruvannamalai. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police confirms the fact and submitted that the trial Court had granted bail; and that surety was not accepted as there is no formal remand in Crime No.392 of 2024; and that the petitioner was arrested and remanded in Crime No.391 of 2024. Therefore, he opposed for granting anticipatory bail to the petitioner.

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.Considering the nature of allegations, and that the petitioner had already complied with the conditional order, 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 on production of proof of payment at cost of Rs.7,000/- to **"JDSRF-DPHPM,**

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Tiruvannamalai" in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***Learned Judicial Magistrate, Kalasapakkam, Tiruvannamalai Distrtict,*** 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 daily 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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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
dpa

To

1. The Learned Judicial Magistrate,
Kalasappakam, Tiruvannamalai.

2. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.

3. The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN., J.

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