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CRL O.P. No.2537 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2537 of 2025

1. Sivakumar S/o. Pazhani
2. Subash Chandra Bose S/o. Kannan ... Petitioners / Accused-2 & 3

Vs

State rep. by:-

The Inspector Of Police,
Kanjapur Police Station,
Villupuram District.
[Cr. No.9 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused - 2 & 3 in Crime No.9 of 2025 on the file of the respondent police.

For Petitioners : Mr. Kalaimani.S.

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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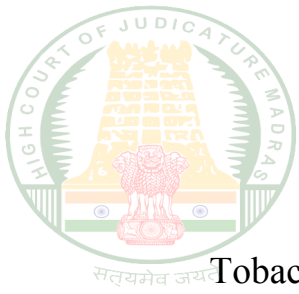
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The petitioners / Accused-2 & 3, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 274, 275, 123, 112 of B.N.S. read with Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in connection with the case in Crime No.9 of 2025, seek anticipatory bail.

2. The case of the prosecution is that on 19.01.2025, the petitioners were found with possession of banned Tobacco products.

3. Learned counsel for the petitioners would contend that the petitioners are innocent persons; that they have been falsely implicated for statistical purpose; that materials were seized; that there is no previous case pending against the petitioners and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), per contra, would submit that petitioners are A2 and A3; that totally 8970 pockets of



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Tobacco products were seized from the accused; that A2 has 6 previous cases and A3 has 3 previous cases and that based on the confession statement of A1, these petitioners have been arrayed as accused in this case. However, the learned Government Advocate admitted that these petitioners were granted bail in previous cases.

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

6. Considering the nature of allegations; the fact that these petitioners have been implicated as accused based on the confession statement of A1; that no seizure was made from these petitioners; that the petitioners are in bail in all other previous cases registered under the Prohibition Act and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.



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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 of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate, Vikravandi** on condition that each 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 conditions 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



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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 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 B.N.S.

10.02.2025

mjs

SUNDER MOHAN. J.,

mjs

To

- 1.The District Munsif-cum-Judicial Magistrate, Vikravandi.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Kanjanur Police Station, Villupuram District.

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