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CRL O.P. No.2702 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.2702 of 2025

Gnanavel S/o. Vellaiyappan

.. Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
H-5 New Washermenpet Police Station,
Chennai.
[Cr. No.190 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 petitioner / Accused in Crime No.190 of 2025 on the file of the respondent police.

For Petitioner : Mr.Venkateswara Babu

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

ORDER

The petitioner / Accused, who apprehends arrest in the hands of



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the respondent police for the offences punishable under Sections 275 and 123 of B.N.S. read with Section 7 and 9(ii) of The Tamil Nadu Prohibition Of Smoking And Spitting Act, 2002 [TNPSS Act] and Section 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in connection with the case in Crime No.190 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 24.01.2025, based on the secret information regarding the illegal trafficking of banned Tobacco products, the police party went to the scene of occurrence and found the accused with illegal possession of banned Tobacco products.

3. Learned counsel for the petitioner would contend that the petitioner is an innocent; that he has been falsely implicated in this case; that materials were seized only from the co-accused and no recovery was made from this petitioner; 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,



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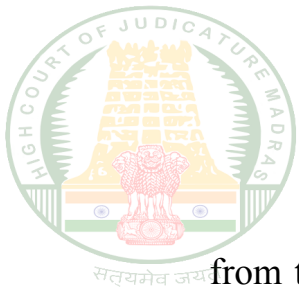
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would submit that the petitioner is A2 and he is sought to be implicated based on the confession statement of the co-accused. Further the learned Government Advocate fairly admitted that the previous 4 cases pending against the petitioner were disposed of.

5. Heard the learned counsel for the petitioner 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 the petitioner is sought to be implicated as accused based on the confession statement of A1; that no contraband was recovered from this petitioner; that the co-accused was already granted bail and the previous cases pending against the petitioner were disposed of and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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



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from the date of receipt of a copy of this order, before the learned **XVI Metropolitan Magistrate, George Town, Chennai** on condition that 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 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 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.



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2025

mjs

To

- 1.The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, H-5 New Washermenpet Police Station, Chennai.

SUNDER MOHAN. J.,

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