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Crl.O.P.No.3321 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3321 of 2025

P. THENNARASU

S/o. Parthiban, Door no.63/90, Arignar Anna
Street, Amman Kuttai, Villivakkam, Chennai
Currently Residing at Amman Kuttai,
Villivakkam, Chennai 600 049

Petitioner(s)

Vs

The State Respented By The Inspector Of Police
V1, Villivakkam Police Station, Korattur,
Chennai Tamil Nadu. (crime No. 32 Of 2025)

Respondent(s)

For Petitioner(s): Vinoth Kumar R

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 24(1) of COTP Act and Section 123 of BNS in Crime No.32 of 2025, on the file of the respondent police, seeks 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 4 kilograms of banned tobacco products were kept in the petitioner's house; that upon investigation, it is revealed that the petitioner and his wife had kept the said contraband for illegal sales. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the 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; that the co-accused was arrested and released on bail; 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/ A2 along with his wife/ A1 was



involved in illegal sales of banned tobacco products for their personal gain; that the petitioner has no previous cases; and that the investigation is pending.

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, considering the nature of allegation against the petitioner, quantity of the contraband involved in this case, submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases, the co-accused was arrested and released on bail 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 XIII**



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Metropolitan Magistrate Court, Egmore, 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:

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

10.02.2025

stn

To

1. The State Respected By The Inspector Of Police
V1, Villivakkam Police Station,
Korattur, Chennai Tamil Nadu.
(crime No. 32 Of 2025)



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SUNDER MOHAN, J.

stn

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