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Crl.O.P.No.2909 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2909 of 2025

Vikki @ Vignesh
S/o James, No .29, Municipal Colony,
Kakithapatarai, Vellore, Vellore District.

Petitioner(s)

Vs

State By, The Inspector Of Police,
Sathuvacheri Police Station, Vellore District,
Crime No. 470 of 2024

Respondent(s)

For Petitioner(s): Silambu Selvan S

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 275, 123 of BNS 2023, r/w Sections 7(5) and 20(2) of COTPA Act, 2003 in Crime No.470 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, while the respondent police were conducting inspection, they found that the accused persons, A1, A3, A4 and A5 were in illegal possession of banned tobacco products like hans, Chaap Tobacco, Cool Lip Filter, Pan Masala and V1 Tobacco; that upon investigation, they confessed that the petitioner along with A3 used to purchase the banned tobacco products from Bangalore and used to sell them in the local area with the help of other accused persons. 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, based on the confession of the co-accused; 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 contra band involved in this case is of commercial quantity and there are totally 9 accused; that the petitioner herein arrayed as A2, based on the confession of the co-accused; that the petitioner has one previous case; 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, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has been implicated based on the confession of the co-accused, the petitioner is on bail for the previous case 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



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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 Judicial Magistrate No.5, Vellore** 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. State By, The Inspector Of Police,
Sathuvacheri Police Station,
Vellore District,
Crime No. 470 of 2024



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SUNDER MOHAN, J.

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