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Crl.OP.No.3015 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3015 of 2025

Balasubramaniyan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
(Crime No.02/2025)

.. 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.02 of 2025 on the file of the respondent Police.

For Petitioner : Mr.K.S.Purushothaman

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 COTPA Act 2003



r/w Section 123 of of BNS Act, in Crime No.02 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with co-accused were found to be in illegal possession of banned tobacco products namely HANS @ Gutka 25 pouches, Vimala Masala 14 pouches and V1 Tobacco 20 pouches, without license. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that based on the confession of A2, the petitioner was arrayed as an accused. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and on instructions submitted that A1 was arrested and released on bail; and based on the confession A1, the petitioner was arrayed an accused; and that one previous case is pending against the petitioner. Hence, he opposed for grant of anticipatory bail.

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; the co-accused was arrested and released on bail; and only based on the confession of A1, the petitioner was arrayed as an accused; and that custodial interrogation of the petitioner is not required for the purpose of investigation, 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 is made ready, before the learned **Judicial Magistrate-I, Kallakurichi**, 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 condition that:

[a] the petitioner and the sureties shall affix their photographs and



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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 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
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To

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- 1.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
2. The Judicial Magistrate-I, Kallakurichi.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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