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CRL OP No.2981 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No.2981 of 2025

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.....Petitioner(s)

Vs

The State Rep.by the Inspector of Police,
Jolarpet Police Station,
Jolarpet, Tirupathur District.
(Crime No.25 of 2025)

...Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023 to enlarge the petitioner on bail in the event of his arrest in Crime No.25 of 2025 on the file of the Inspector of Police, Jolarpet Police Station, Jolarpet, Tirupathur District.

For Petitioner(s): Mr.G.Vinodh Kumar

For Respondent(s): 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 Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003 r/w Section 123 of BNS (328 of IPC), in Crime No.25 of 2025, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the petitioner along with the other accused, was found to be in illegal possession of 85 packets of Hans, 1431 packets of V-1 and 1386 packets of Vimal in a Grocery shop belonging to A2 & A3. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that A2 & A3 were arrested and only based on the confession statement of the arrested accused, the petitioner has been arrayed as an accused and according to the learned counsel for the petitioner, no recovery was made from the petitioner and that no previous case is pending against the petitioner. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, submitted that the accused was found to be in illegal possession of 2902 packets of banned tobacco products. He further



submitted that there is no previous case pending against the petitioner.

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5. Heard the learned counsel appearing 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, no previous case is pending against the petitioner; and custodial interrogation of the petitioner is not required for the purposes 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 their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate No.1, Tirupathur District**, on condition that the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 said Magistrate, on further



condition that:

[a] 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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 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*** reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.02.2025

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To

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1. The Inspector of Police,
Jolarpet Police Station,
Jolarpet, Tirupathur District.
2. The Judicial Magistrate No.I, Tirupathur.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.
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