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Crl.O.P.No.7902 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 7902 of 2025

Jabarson
S/o.Robinson,
No.16, Sri Kannan Compound,
Ettaiyapuram Road, Kovil Patti, Thoothukkudi - 628 501.

Petitioner(s)

Vs

State Rep. By:
Inspector of Police,
Pennalurpet Police Station,
Tiruvallur District.
Crime No.317 of 2024

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the Petitioner/Accused on Anticipatory bail in connection with Crime No.317/2024, on the file of Respondent Police and thus render justice.



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For Petitioner(s): Mr.B.Saravanan

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 275, 276, 123 of B.N.S r/w. 77 of JJ Act and section 6(a) and 24(1) of COTPA Act in Crime No.317 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail petition before this Court. The earlier bail petition in Crl.O.P. No.32029 of 2024 was dismissed as withdrawn on 02.01.2025 by Hon'ble Mr. Justice A.D.Jagadish Chandira, and this anticipatory bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that, the petitioner was found to be in possession of 1018 kgs of banned tobacco products along with other accused.



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4. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case; that without prejudice to his contention, is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association 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 undertakes to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and on instruction submitted that there are two previous cases are pending against the petitioner and are similar in nature. He also submitted that anticipatory bail was granted to the co-accused.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and



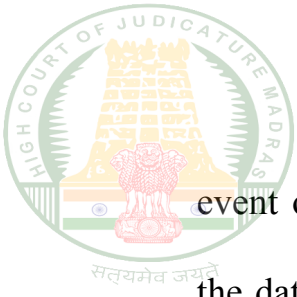
perused the materials available on record.

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7. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of "**Tamil Nadu Advocate's Clerk's Association, Account No.484026006, Branch : Indian Bank, High Court, IFSC No. IDIB000M157**", without prejudice to the right of defence and produce proof before the Trial Court. It is made clear that it would not amount to admission of guilt by the petitioner.

8. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband were seized, the fact that though the earlier petition filed by the petitioner was dismissed as withdrawn, the respondent has not arrested the petitioner so far and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the



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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 District Munsif cum Judicial Magistrate Court at Uthukottai**, 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:

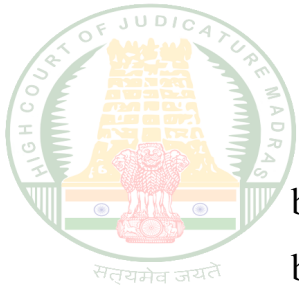
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on



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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.

27.03.2025

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To

State Rep. By:
Inspector of Police,
Pennalurpet Police Station,
Tiruvallur District.
Crime No.317 of 2024



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SUNDER MOHAN, J.
jd

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