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CRL O.P. No.4229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.4229 of 2025

Prabakaran S/o. Thangavel

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector Of Police,
Perambur Police Station,
Mayiladuthurai District.
[Cr. No.359 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused - 2 in Crime No.359 of 2024 on the file of the respondent police.

For Petitioner : Mr. C.T. Saravanan

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-2, who apprehends arrest in the hands of



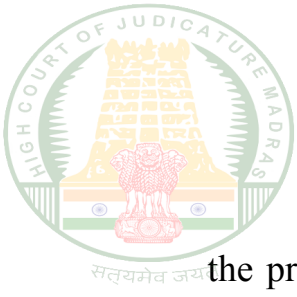
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the respondent police for the offences punishable under Sections 123 of B.N.S. and Section 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in connection with the case in Crime No.359 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 24.12.2024, based on the secret information regarding the illegal trafficking of banned Tobacco products, the police party went to the scene of occurrence near Mangainallur Kadaiveedhi street and found the accused in illegal possession of 21 Hans Chaap Tobacco i.e., 5.5kgs of banned Tobacco products.

3. Learned counsel for the petitioner would contend that the petitioner is innocent; that he has been falsely implicated based on the confession statement of co-accused; that contraband was seized; and that the custodial interrogation of the petitioner is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), reiterated



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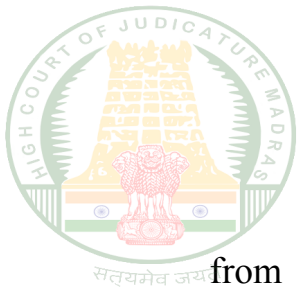
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the prosecution case and on instructions, submitted that contraband was seized; that the petitioner has no previous cases and that the co-accused was arrested and released on bail.

5. Heard the learned counsel 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, the fact that the petitioner has been implicated, only based on the confession statement of co-accused; contraband was seized, the co-accused was already arrested and released on bail and the petitioner has no other previous cases and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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



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from the date of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate, Tharangambadi** on condition that petitioner shall execute a 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 conditions 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.02.2025

mjs

To

- 1.The District Munsif-cum-Judicial Magistrate, Tharangambadi.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Perambur Police Station, Mayiladuthurai District.

SUNDER MOHAN. J.,

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