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CRL OP NO.5991 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.03.2025**

CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5991 of 2025

Shankar Lal

Petitioner/A2

Vs

State Rep By,
The Sub- Inspector Of Police
Ponnur Police Station,
Tiruvannamalai District.
(Cr.No 113 of 2024)

Respondent

Prayer:

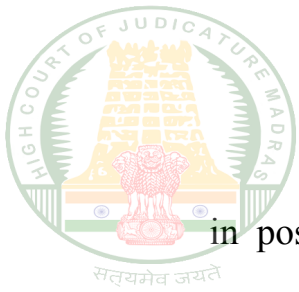
Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on anticipatory bail in the event of arrest in Crime No. 113 of 2024 pending on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj Elangovan
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 275 and 123 of the BNS Act and Sections 6(a), 24(1) of the COTPA Act, 2003 in Crime No. 113 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the co-accused was found



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in possession of banned tobacco products viz., 1.Hans- 1080 packets,
2. Coolip – 512 packets, 3. V1 – 2400 packets, 4. Vimal – 2310 packets
and the petitioner was implicated on the confession of the co-accused.

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

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that there are four previous cases against the petitioner and he is on bail in those cases; that the petitioner's first anticipatory bail application was dismissed as withdrawn *vide* order dated 19.12.2024.

5. 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 'Legal



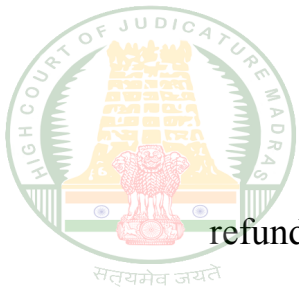
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Services Authority, Tiruvannamalai District' without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

7. Though, the earlier petition was dismissed as withdrawn on 19.12.2024, the respondents had not arrested the petitioner. 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 petitioner is on bail in the other cases, the petitioner has been implicated on the confession of the co-accused 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.

8. Accordingly, the petitioner is directed to make a non-



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refundable deposit of Rs.10,000/- to the Credit of **“Legal Services**

Authority, Nagapattinam” without prejudice to his rights and

contentions before the trial Court, on such deposit and production of proof, 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 made ready, before **Judicial Magistrate,**

Vanthavasi, Tiruvannamalai District 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, 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 every day 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



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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].

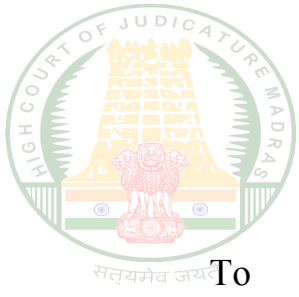
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

04.03.2025

vca

SUNDER MOHAN, J.

vca



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To

1.The Sub- Inspector Of Police
Ponnur Police Station,
Tiruvannamalai District.
(Cr.No 113 of 2024)

2.The Judicial Magistrate, Vanthavasi,
Tiruvannamalai District

3.The Public Prosecutor,
High Court Madras.

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