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Crl.O.P.No.5989 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5989 of 2025

Shankar Lal

... Petitioner/Accused No.2

Vs

State rep. by:-

The Sub-Inspector of Police,
Ponnur Police Station,
Tiruvannamalai District.

Crime No.114 of 2024. ... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to enlarge the petitioner on Anticipatory bail in the event of the Arrest in Crime No.114 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 275, 123 of BNS Act and Sections 6(a), 24(1) Cigarette and other Tobacco Products Act, 2003 in



Crl.O.P.No.5989 of 2025

Crime No.114 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that based on a secret information, the respondent and their officials went to the scene of occurrence, the 1st accused found in illegal possession of banned tobacco products vzi., (1) Hans 53 pockets and Vimal Panmasala-110 Pockets and on the confession, it is revealed that the petitioner also involved in the alleged occurrence.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he sought to be implicated as an accused based on the confession of the co-accused; and that in any case, custodial interrogation is not required for the purpose of investigation and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner has four previous cases.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of any welfare scheme of the Government or any other organization.

6. Though the earlier anticipatory bail application was dismissed as withdrawn, the respondent police have not arrested the petitioner so far. The contraband has been seized from the co-accused. The petitioner was implicated on the confession of the co-accused.

7. Hence, this Court is of the view that considering the nature of the allegations against the petitioner and the fact that he is on bail in the previous cases, custodial interrogation is not required for the purpose of investigation. Further, the petitioner has voluntarily offered to deposit Rs.10,000/- [Rupees Ten Thousand Only] to any welfare scheme. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) directly to the credit of “District Legal Services Authority, Tiruvannamalai”, without prejudice to their 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 of receipt of copy of this order, before the learned **Judicial Magistrate, Vanathavasi, Tiruvannamalai District** on condition that the 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 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



Crl.O.P.No.5989 of 2025

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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.03.2025

rkp

To

- 1.The Judicial Magistrate, Vanthavasi, Tiruvannamalai District.
- 2.The District Legal Services Authority, Thiruvannamalai District.
3. The Public Prosecutor, High Court, Madras.
4. The The Sub-Inspector of Police,
Ponnur Police Station, Tiruvannamalai District.



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CrI.O.P.No.5989 of 2025

SUNDER MOHAN. J.,

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CRL O.P. No.5989 of 2025

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