



WEB COPY



CRL O.P. No.5011 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5011 of 2025

Elumalai S/o. Aarumugam

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector Of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.
[Cr. No.567 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 in Crime No.567 of 2024 on the file of the respondent police.

For Petitioner : Mr.Silambu Selvan.S.

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



CRL O.P. No.5011 of 2025

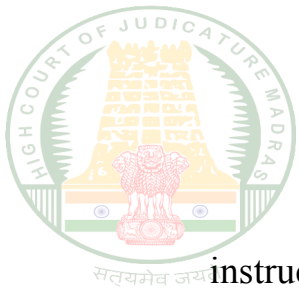
WEB COPY

respondent police for the offences punishable under Sections 275 and 123 of B.N.S. read with Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in connection with the case in Crime No.567 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A1 was found in illegal possession of 3.6 kgs of Hans, Cool lip weighing about 1.008 gms, Vimal pan masala weighing about 600 gms, totally 5.208 gms of banned Tobacco products worth about Rs.4,480/- and the petitioner was implicated based on the confession of A1.

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 in any case, the custodial interrogation of the petitioner is not required in this case and hence prayed for grant of anticipatory bail to the petitioner.

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



CRL O.P. No.5011 of 2025

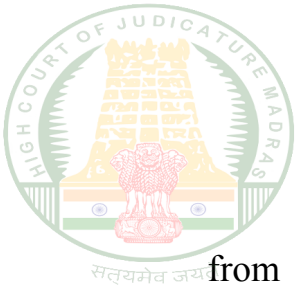
WEB COPY

instructions, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that there are 2 other previous cases against the petitioner and he is on bail in those cases; that contraband has been seized 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. 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 was seized, the co-accused was already arrested and released on bail, the petitioner has been implicated, only based on the confession statement of co-accused, the petitioner is on bail in the other cases and since, custodial interrogation of the petitioner 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



CRL O.P. No.5011 of 2025

from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.2, Thiruvannamalai** 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.



CRL O.P. No.5011 of 2025

WEB COPY

[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.

25.02.2025

mjs

To

- 1.The Judicial Magistrate No.2, Thiruvannamalai.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Thiruvannamalai East Police Station, Thiruvannamalai District.

SUNDER MOHAN. J.,

mjs



WEB COPY



CRL O.P. No.5011 of 2025

CRL O.P. No.5011 of 2025

25.02.2025