



WEB COPY

Crl.O.P.No.5365 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No.5365 of 2025

Krishnamoorthy

...Petitioner/A-2

Vs.

State represented by
Inspector of Police
Mathigiri Police Station
Krishnagiri District
(Cr.No.76 of 2025)

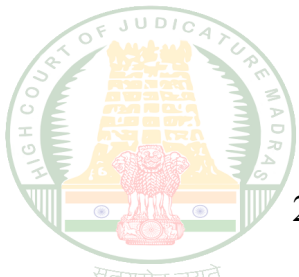
...Respondent/Complainant

Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.76 of 2025 on the file of the respondent.

For Petitioner : Mr. C. Deepak Kumar
For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The petitioner/A-2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 123 BNS, 2023 r/w Sections 6, 7 and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.76 of 2025 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner/A-2, along with A-1, was found to be in illegal possession of banned tobacco products. Hence, the case.

3. Learned counsel for the petitioner/A-2 would submit that the petitioner is innocent and only based on the confession of A-1, he was implicated in this case and that the contraband was also seized and hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the contraband was seized from A-1; and no previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that the petitioner is sought to be implicated on the confession of the co-accused; no previous case is pending against the petitioner and that the contraband was seized and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with 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 (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate No.II, Hosur**, on condition that the petitioner shall execute a bond



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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 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 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.

27.02.2025

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SUNDER MOHAN,J.

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To

1.The Judicial Magistrate, No.II
Hosur

2.The Inspector of Police
Mathigiri Police Station
Krishnagiri District

3.The Public Prosecutor
High Court of Madras

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