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Crl.O.P.No.5632 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5632 of 2025

Praveen

Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District.
(Crime No.474 of 2023).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.474 of 2023 on the file of the respondent police.

For Petitioner(s) : Mr. S. Sheil Thanveer Ahamed

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 of IPC, under Sections 6 and 20(1) of Cigarette and Other Tobacco Acts 2003 and Under Section 4(1)(a) of TN Prohibition Act in Crime No.474 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on a secret information, the respondent police conducted vehicle inspection in Hosur to Krishnagiri Road and found that the accused persons were involved in illegal possession and transportation of tobacco products and IMFL Liquor from Bangalore in six different cars; that on seeing the police, the accused persons left their vehicles and ran away from the spot. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner is the owner of the car bearing Registration No.MH-02-EP-3657 and he gave the same to his friend; that the petitioner had never committed any offence as alleged by the prosecution; that the co-



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accused, who is one of the vehicle owners was granted anticipatory bail by this Court vide order dated 03.09.2024 in Crl.O.P.No.20531 of 2024; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is the owner of one of the car, which was involved in the illegal transportation of 326.1 kgs of Hans, Tobacco products and IMFL Liquors worth about Rs.1,31,400/-; that the petitioner has no bad antecedents; that he confirmed the fact that the co-accused was granted anticipatory bail by this Court; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.



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6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents and he is owner of the car, the co-accused was granted anticipatory bail 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 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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate -II, Hosur, Krishnagiri 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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.

[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].



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SUNDER MOHAN, J.

stn

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

28.02.2025

stn

To
The Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District.
(Crime No.474 of 2023).

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