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CrI.O.P.No.5907 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5907 of 2025

Kannan

... Petitioner/Accused No.2

Vs

State rep. by:-

The Inspector Of Police,
Ulundurpet Police Station,
Kallakurichi District,
Crime No.134 of 2025.

... 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.134 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.Arunagiri

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 Section 24(1) Cigarette and other Tobacco Products Act and 123 of BNS in connection with the case in Crime No.134 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A1 was running the tea stall near Uludurpet Bus Depot and the petitioner/A2 was assisting A1 to manage the said shop. On 23.02.2025, the defacto complainant lodged a complaint alleging that the first accused was selling Hans and Cool Lip; that on the confession, it was revealed that the petitioner was also involved in the alleged offence.

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.



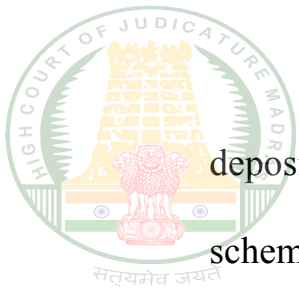
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4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and filed a counter affidavit and submitted that the petitioner has four previous cases.

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.5,000/- (Rupees Five Thousand only) to the credit of any welfare scheme of the Government or any other organization.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of 'District Legal Services Authority, Kallakurichi 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.

7. Considering the nature of allegation; the petitioner is willing to



deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme and that 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.

8. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) directly to the credit of “District Legal Services Authority, Kallakurichi”, 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 No.I, Ulundurpet** 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 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 B.N.S.

04.03.2025

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To

- 1.The Judicial Magistrate No.I, Ulundurpet.
- 2.The District Legal Services Authority, Kallakurichi District.
3. The Public Prosecutor, High Court, Madras.
4. The Inspector Of Police,
CSCID Police Station, Dharmapuri District.



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SUNDER MOHAN. J.,

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