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Crl.OP.No.7145 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7145 of 2025

Mukesh @Mukesh Choudhary ... Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore City,
Coimbatore District. ... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.445 of 2024 pending on the file of the respondent police

For petitioner : Mr.C.S.Saravanan
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Section 123 of BNS, 2023 in Crime



No.445 of 2023 seeks anticipatory bail.

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2. The case of the prosecution is that, the co-accused was found in possession of 246.711 kgs of banned tobacco products and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has no bad antecedents.

5. Considering the nature of allegations; the fact that the petitioner has no bad antecedents; that the petitioner is sought to be implicated based on the confession of the co-accused; that no contraband was seized from the petitioner; 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.

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6. 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 No.II, Coimbatore**, 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:

[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 daily at 10:30 a.m.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or



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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”*** reported in **(2005) AIR SCW 5560**.

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

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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- To
1. The Inspector of Police, Saravanampatti Police Station,
Coimbatore City, Coimbatore District.
 2. The Public Prosecutor,
Madras High Court, Chennai.
 3. Judicial Magistrate No.II,
Coimbatore.



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SUNDER MOHAN, J.

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