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Crl.O.P.No.9220 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9220 of 2025

Ganesan
Son of Ramasamy

....Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Kavarapettai Police Station,
Kavarapettai

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.46 of 2025 on the file of the respondent police.

For Petitioner	: Mr. K. Balachandar
For Respondent	: Mr. S.Balaji Government Advocate (Crl. Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 274, 275, 123 of BNS, 2023 r/w Section 6(a), 24(1) of COTPA Act, in Crime No.46 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.02.2025, the first accused was found in unlawful possession of 4.900 kgs of banned Tobacco products, for selling the same illegally near Kottaiya Tea Shop at Thatchur Koot Road and that the first accused had confessed that he had bought the above items from the petitioner and hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence; that the petitioner is implicated in the case only based on the confession of the co-accused; that the co-accused has been granted bail in Crl.M.P. No.976 of 2025 on 12.03.2025 by the Principal District and Session Judge, Tiruvallur; and that the petitioner is ready to provide solvent sureties and to abide by any conditions that may be imposed by this Court, and prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that 4.900 kgs of contraband was seized from the co-accused; that the petitioner has been implicated based on the confession of the co-accused and that there are no previous case against the petitioner.

5. Considering the fact that no contraband was seized from the petitioner ; that he has been implicated on the confession of the co-accused; that the co-accused had been granted bail and that the petitioner has no previous case 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.

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 District Munsif-cum-Judicial Magistrate, Gummidipoondi,** 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



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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., 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



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P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

27.03.2025

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To

1. The District Munsif-cum-Judicial Magistrate, Gummidipoondi
2. The Inspector of Police,
Kavarapettai Police Station,
Kavarapettai
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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