



WEB COPY



Crl.O.P.No.9036 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 9036 of 2025

Apparsamy

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
Thirunavalur Police Station,
Thirunavalur, Ulundurpet Taluk,
Kallakurichi District. (Crime No.104 of 2025)

Respondent(s)

For Petitioner(s): M/s.M.Rohini

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent in Crime No.104 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 123 of BNS and Section 24(1) of the Cigarette and other Tobacco Products Act, in Crime No.104 of 2025, on the file of the respondent Police, seeks anticipatory bail.



WEB COPY

2. The case of the prosecution is that, the accused were found to be in illegal possession of 160 packets of banned tobacco products.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A2 is innocent; that he has been falsely implicated in this case based on the confession statement recorded from the first accused and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Criminal 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 contraband was seized from the first accused and that one previous case was registered against the petitioner in the year 2022 and the same was disposed of.

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

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the property was seized and since, custodial interrogation 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 No.II, Ulundhurpet, Kallakurichi 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:

[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 as and when required for interrogation;

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



WEB COPY



CrI.O.P.No.9036 of 2025

SUNDER MOHAN J.

ham

[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]*;

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

ham

26-03-2025

To

1. The Inspector Of Police,
Thirunavalur Police Station,
Thirunavalur, Ulundurpet Taluk,
Kallakurichi District.
2. The Judicial Magistrate No.II,
Ulundhurpet, Kallakurichi District,



WEB COPY



CrI.O.P.No.9036 of 2025

CRL OP No. 9036 of 2025