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Crl O.P.No.9909 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9909 of 2025

Sathish

Petitioner/A3

Vs

The State Rep by,
The Inspector of Police,
Chengal Police Station,
Tiruvannamalai District.
(Crime No.110 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner /Accused on
anticipatory bail in the event of arrest in Crime No. 110 of 2025 pending
on the file of the respondent police.

For petitioner : M/s.E Sathiyaraj
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 275 and
123 of the BNS, 2023 and Section 24(1) of the COTPA Act in Crime
No.110 of 2025, on the file of the respondent police, seeks anticipatory
bail.



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2. The case of the prosecution is that the co-accused illegally transported banned tobacco products, viz., *Hans, Cool Lip, Vimal Pan Masala, V-1 Tobacco* and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that he is implicated on the confession of the co-accused and without prejudice to his contention, is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association 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 contraband were seized.

5. Further, considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of '**Legal**



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Services Authority, Thiruvannamalai 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.

6. Taking note of the facts and circumstances of the case, nature of allegations, the fact that the contraband was seized, the petitioner has been implicated on the confession of the co-accused; 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 of receipt of a copy of this order, before the **learned Judicial Magistrate, Chengam, Tiruvannamalai District** 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall



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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 appear 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].

[f] If the accused thereafter absconds, a



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fresh FIR can be registered under Section 269 of
B.N.S.

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vca

SUNDER MOHAN, J.



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vca

To:

1. The Inspector of Police,
Chengal Police Station,
Tiruvannamalai District.
2. The Judicial Magistrate, Chengam,
Tiruvannamalai District.
3. The Public Prosecutor,
Madras High Court.

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