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Crl.O.P.No.10126 of 2025.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10126 of 2025

Suresh @ Suresh Bishnoi
S/o. Punmaram

....Petitioner/Accused-3

Vs

State represented by
The Inspector of Police,
Roshanai Police Station,
Villupuram District
(Crime No. 13 of 2025)

....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.13 of 2025 on the file of the respondent police.

For Petitioner : Mr. Jayaprathap, R.

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, 112(2), 123 of BNS Act r/w 24(1) of COTPA Act, 2023, in Crime No.13 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 11.01.2025, the first and second accused were found illegally transporting banned tobacco products in a Skoda Rapid car bearing registration number TN83C0859 belongs to the petitioner; that the first accused had confessed that the petitioner had handed over the said tobacco products to him for selling the same in the shops at Tindivanam. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and was not involved in the said offence; that the petitioner is implicated based on the confession of the co-accused; and that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for 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 the the contraband was seized from the co-accused; and that the petitioner has no previous case.

5. Considering the fact that the contraband was seized from the co-accused; that the petitioner was implicated based on the confession of the co-accused and that the petitioner has no bad antecedents 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 Judicial Magistrate I, Tindivanam** 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



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learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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[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 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.

04.04.2025

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To

1. The Judicial Magistrate I, Tindivanam
- 2.The Inspector of Police,
Roshanai Police Station,
Villupuram District
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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