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Crl.OP.No.11424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.11424 of 2025

Prakash ... Petitioner(s)

Vs.

State rep. by
Inspector of Police,
Berigai Police Station,
Krishnagiri District.
Crime No.89 of 2024

... Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of his arrest concerned in Cr.No.89 of 2024 on the file of the respondent police.

For petitioner(s) : M/s.Girija Iyappan

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



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ORDER

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2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 272, 273, 279 and 328 of IPC, Section 20(1) of the COTPA Act and Section 4(1)(a) of the Tamil Nadu Prohibition Act in Crime No.89 of 2024, seeks anticipatory bail.

4. It is the case of the prosecution that the petitioner was found in possession of 267.300 Kgs of banned tobacco products and 96 packets



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of liquor (90 ml each). Hence, the case.

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5. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.12082 of 2024 on 10.06.2024, the petitioner has not been arrested so far; and that considering the nature of allegations and the stage of investigation, the petitioner may be granted anticipatory bail.

6. 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.

7. Though the earlier anticipatory anticipatory bail application was dismissed by this Court in Crl.O.P.No.12082 of 2024 on 10.06.2024, the petitioner has not been arrested so far. The investigation is at the fag end. Considering the aforesaid facts, the fact 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.

8. 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 is made ready, before the **Judicial Magistrate.1, Hosur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 appear before the respondent police daily at 10.30 a.m., until further



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orders.

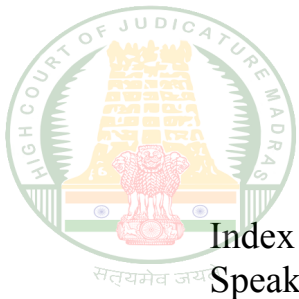
[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 fresh FIR can be registered under Section 269 BNS.

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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SUNDER MOHAN, J.

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To

1. Inspector of Police,
Berigai Police Station,
Krishnagiri District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate.1, Hosur

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