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Crl.O.P.No.10350 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10350 of 2025

Kailash

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
(Crime No. 216 of 2024).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.216 of 2024, on the file of the respondent police.

For Petitioner(s) : M/s. R. Girija

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



ORDER

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2. The case of the prosecution is that, while the respondent police were conducting vehicle inspection during their routine patrol duty, they found the accused was in illegal possession of 310 kilograms of Hans, 50 kilograms of Cool Lip, 185 kilograms of Vimal Pan Masala, 46.6 kilograms of V I tobacco, 66 kilograms of Swagat pan, 31.8 kilograms of Ganesh tobacco and 36 packets of Black Belt Whisky each containing 180ml in the car bearing Registration No.KA-51-MU-1054; that on seeing the police, the accused fled away from the spot; and that on investigation, it is revealed that the aforesaid car belongs to the petitioner herein. Hence, this case.

3. The learned counsel appearing for the petitioner would



submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is hailing from Karnataka and he is the owner of the vehicle, which was involved in the aforesaid offence; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents, no contraband was seized from the petitioner herein 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.

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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 II, Hosur** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one surety shall be a blood relative and the other shall be a local surety)** 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 everyday at 10:30 a.m., until further orders.



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[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 of B.N.S.

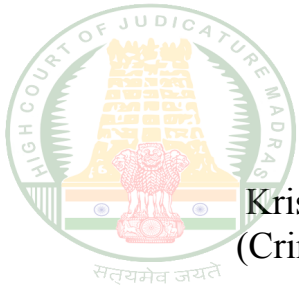
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To

1. The Judicial Magistrate II, Hosur.
2. The Inspector of Police,
Hudco Police Station,

5/6



Krishnagiri District.
(Crime No. 216 of 2024).

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SUNDER MOHAN, J.

stn

3. The Public Prosecutor,
High Court of Madras.

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