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Crl.O.P.No.11262 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.11262 of 2025

Senthil Kumar
S/o. Sankaran

....Petitioner/Accused-2

Vs

State represented by
The Station House Officer,
Nettapakkam Police Station,
Puducherry
Crime No.35 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 in **Crime No.35 of 2025** on the file of the respondent police

For Petitioner : Mr. A. Murugavel

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



ORDER

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2. The case of the prosecution is that, on secret information, the petitioner and the other accused were found selling tobacco products, which are banned by the Tamil Nadu Government, to the school going children. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that a false case has been foisted against the petitioner; that the petitioner was not involved in the said offence; and that in any case the contraband was seized and hence custodial interrogation of the petitioner is not required 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 contraband was seized; that the petitioner has no bad antecedents; and that the co-accused has been granted bail by this Court in Crl.O.P.No.11145 of 2025 on 16.04.2025.

5. Considering, the nature of allegations, the fact that the contraband has been seized; that the petitioner has no bad antecedents and that the co-accused has been granted bail by this Court 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, Puducherry**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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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 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



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

16.04.2025

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To

1. The Judicial Magistrate-I, Puducherry
2. The Station House Officer,
Nettapakkam Police Station,
Puducherry
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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16.04.2025