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Crl.OP.No.11540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11540 of 2025

Elumalai

.. Petitioner/ 3rd Accused

Vs.

The State rep by
The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai – 606 801.
(Crime No.123 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.123 of 2025 on the file of the respondent Police.

For Petitioner : M/s.Dhinakaran P

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 Section 275, 123 and 62 of BNS



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and Sections 6(a) and 24(1) of the Cigarette and Other Tobacco Products

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Acts, 2003 in Crime No.123 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that A2 was found in illegal possession of 337.110 kilograms of banned tobacco products and based on the confession of A2, it was revealed that the petitioner is the seller.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is sought to be implicated on the confession of co-accused; that the contraband was seized from the co-accused and that in any case, further custody of the petitioner is not required 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 petitioner has no bad antecedents.



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5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegations, the petitioner is sought to be implicated on the confession of the co-accused, the contraband was seized from the co-accused 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.

7. Accordingly, considering the voluntary submission, the petitioner is directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousan Only]** directly to the credit of “**District Legal Services Authority, Tiruvannamalai District**”, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest



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or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***Learned Judicial Magistrate, Arani***, 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 conditions 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 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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**



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of Kerala [(2005)AIR SCW 5560];

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai – 606 801.

2.The Judicial Magistrate, Arani.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

dpa

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