



Crl.OP.No.12258 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12258 of 2025

Asirvatham @ Chinnadurai

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
(Crime No.47 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 his arrest in Crime No.47 of 2025 on the file of the respondent
Police.

For Petitioner : M/s.S.Magesh Kumar

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 123 of BNS, 2023 r/w



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Section 24(1) of Cigarette and Other Tobacco Products Act 2003 in Crime

No.47 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner was found in illegal possession of 33 Packets (each 20 grams $20 \times 33 = 660$ grams) HANS @ Gutka. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case 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 there is one previous case pending against the petitioner.

5. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the



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fact that the contraband was seized 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 is made ready, before the **learned Judicial Magistrate Court No-I, Ulundurpet, Kallakurichi District**, 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 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;



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[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 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
Internet : Yes / No
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To

1.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.

2.The Judicial Magistrate Court No-I, Ulundurpet, Kallakurichi District.

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



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SUNDER MOHAN, J.

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