



Crl.OP.No.12633 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.06.2025

CORAM  
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR  
CRL.OP.No.12633 of 2025

Gautham

Petitioner

Vs

The State Rep By  
The Inspector of Police  
Olakkur Police Station,  
Villupuram District.  
(Crime No.32 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 arrest in Crime No.32 of 2025 pending on the file of the  
respondent police.

For Petitioner : Mr.B.Devakumar  
For Respondent : Mr.R.Vinothraja  
Government Advocate  
(Criminal Side)

### **ORDER**

The petitioner, who apprehends arrest at the hands of the respondent  
police for the offences punishable under Section 274, 275, 112 of B.N.S Act  
r/w 24 (1) of COTPA Act, 2023 in Crime No.32 of 2025, on the file of the  
respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that, petitioner along with other accused was found to be in illegal possession of banned tobacco products i.e. Hans - 2357 and Coollip - 886 pieces. Hence the case.

3.The contention of the learned counsel for the petitioner is that petitioner is a native of Hydrebad. He along with his brother doing business there. The first accused who is a tea vendor in the train had got by the respondent Police. On his confession the petitioner has been arrayed as an accused. He further submitted that petitioner is doing small business in and around Villupuram and taking advantage of his language barrier, he has been falsely implicated in this case. He also submitted that the custodial interrogation of the petitioner is not required. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that petitioner



and his brother illegally transported banned tobacco products. The petitioner has no bad antecedents. He further submitted that the contraband has been seized.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

7.Considering the nature of the allegations, the submission that the petitioner is willing to deposit an amount of Rs.50,000/- as non-refundable deposit to any welfare scheme, the fact that petitioner has no bad antecedents and the contraband has been seized and since, custodial



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interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.50,000/- [Rupees Fifty Thousand Only]** as non-refundable deposit directly to the credit of **“Sri Ramachandra University, Porur Branch, Sri Ramachandra University, Ramachandra Nagar, Porur, Chennai-600 116 in A/c.No.CA 6203243021, IFSC Code:IDIB000S180, Indian Bank,** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **learned Judicial Magistrate No.I, Dindivanam,** on condition that the petitioner shall execute a bond for sum of Rs.10,000/- (Rupees Ten Thousand 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 said Magistrate, on further conditions that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

**[c] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks; thereafter as and when required for interrogation;**

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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



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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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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**M.NIRMAL KUMAR, J.**

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To:

- 1.The Inspector of Police  
Olakkur Police Station,  
Villupuram District.
- 2.The Judicial Magistrate - 1,  
Dindivanam.
- 3.The Public Prosecutor,  
High Court Madras.

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