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CRL OP No. 12973 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12973 of 2025

1. Mohammed Ashwak
C/o.Farhana begum, 1/2, Venkatesa
Naiken Street, GP Road Anna Salai,
Chennai-600 002.

Petitioner(s)

Vs

1. State rep by
The Inspector of Police, F-2 Egmore
Police Station, Crime NO.293 of 2025

Respondent(s)

PRAYER

To enlarge the petitioner on anticipatory bail in the event of the arrest by the respondent police F-2 Egmore PS, for an alleged offence U/s.123 BNS, 2023 in Crime No.293 of 2025 in the interest of justice and thus render justice.

For Petitioner(s): Mr.V.Karthick

For Respondent(s): Public Prosecutor



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 123 of BNS in Crime No.293 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused was found in illegal possession of 590 Nos, of Tydol tablets without any valid permission. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that 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, custodial interrogation 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 there no bad antecedents against the petitioner and hence, prayed for anticipatory bail to the petitioner.

5. 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.

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 XIV Metropolitan Magistrate, Egmore at Chennai**, 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;

[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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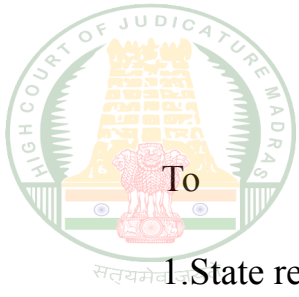
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1. State rep by

The Inspector of Police, F-2 Egmore
Police Station, Crime NO.293 of 2025.

2. The XIV Metropolitan
Magistrate, Egmore, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN J.

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