

CrI.O.P.No.13067 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 13067 of 2025

Athiyaman @ Prabakaran

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.
(Cr.No.187 of 2025)

Respondent(s)

For Petitioner(s): Mr.D.Balaji

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.187 of 2025 on the file of the respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 296(b), 132, 109, 351(2), 111(2), 274, 275, 123 of BNS and Section 77 of Juvenile Justice Act r/w 6(a), 24(1) of CCOTPA Act r/w Section 7, 9(ii) of Tamil Nadu Smoking and Spitting Act,



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2023 in Crime No.187 of 2025, on the file of the respondent Police, seeks

anticipatory bail.

2. The case of the prosecution is that, the petitioner along with other accused was found to be in illegal possession of 280 kilograms of banned tobacco products.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A5 is innocent; that he has been falsely implicated in this case based on the confession statement recorded from the first accused and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the contraband has been seized from the first accused and that there three cases against the petitioner and he is on bail in those cases.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact



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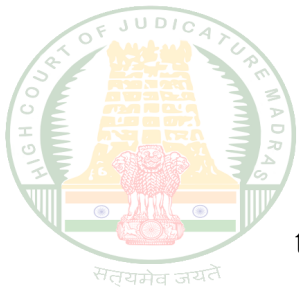
that the property has been seized, the petitioner is on bail in previous cases

and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Tiruvennainallur, Villupuram 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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of



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the "**District Legal Services Authority, Villupuram**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of his guilt.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[f] 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 Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

drl

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To

1. The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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