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Crl.O.P.No.14616 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.14616 of 2025

Santhosh @ Jakkey

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ulundurpet Police Station,
kallakurichi District.

(Crime No.239 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police pending investigation in Crime No.239 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Suresh

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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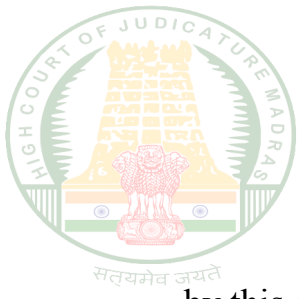
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ORDER

The petitioner, apprehends arrest for the alleged offences under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of BNS on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 720 packets of Hans, 368 packets of cool lip, 1,380 packets of vimal and 1,530 packets of tobacco, which are banned tobacco products. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed



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by this court.
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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 720 packets of Hans, 368 packets of cool lip, 1,380 packets of vimal and 1,530 packets of tobacco, which are banned tobacco products. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non-refundable deposit, to the credit of the RAY OF LIGHT FOUNDATION; A/c No:50100078904233; IFSC code: HDFC0001864; Branch: Habibullah Road, T Nagar, Chennai without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the ***Judicial Magistrate Court I, Ullundurpet*** on condition that the petitioner shall execute a bond for a 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 learned Magistrate concerned and on further condition that:

[a] 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, everyday at 10.30 a.m., for a period of



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one month and thereafter, as and when required for further interrogation;

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

[d] the petitioner shall not tamper with evidence or witness 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 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]*;

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

08.05.2025

Anu

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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L.VICTORIA GOWRI, J.

Anu

TO

- 1.The Judicial Magistrate Court I - Ullundurpet
- 2.The Inspector of Police,
Ulundurpet Police Station,
kallakurichi District.
- 3.The Public Prosecutor,
High Court of Madras.

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