



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15176 of 2025

Altaf

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
(Crime No.137 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 arrest in Crime No.137 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran
For Respondent : Mr.V.Meganathan
Government Advocate(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 275, 123 of BNS Act, r/w
Section 7 (2), (20) (1) of COTPA Act, 2003, in Crime No.137 of 2025,
seeks anticipatory bail.



2.The case of the prosecution is that the petitioner was found in illegal possession of 148 kgs of banned Tobacco Product. Hence, the case.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.25,000/- to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and prays for grant of anticipatory bail to the petitioner.

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 contraband was seized from the petitioner. He further submitted that there is no previous case as against the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to the



Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai,

this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai,** and on such deposit 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 No.II, Krishnagiri,** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai.**



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

[c] 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;

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

[e] 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;

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

[g] 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;

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

[i] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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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];

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

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Index : Yes / No

Internet : Yes / No

rkp/ep

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.

M.NIRMAL KUMAR, J.



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To

1. The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
2. The Judicial Magistrate No.II, Krishnagiri.
3. The Public Prosecutor,
Madras High Court, Chennai.

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