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Crl.O.P.No.15858 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.15858 of 2025

Durgesh Kumar

... Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.

(Crime No.391 of 2024)

... Respondent

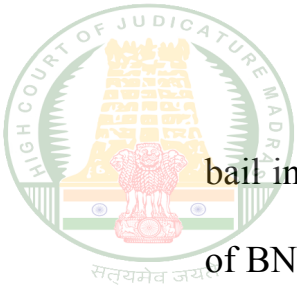
PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.391 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Samson

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory



bail in Crime No.391 of 2024 registered for the offence under Section 123 of BNS, 2023 and Sections 6 and 20(1) of COTPA, 2003.

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2.It is the case of the prosecution that the petitioner was found in illegal possession of 400 kgs of banned tobacco products. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the contraband was seized. 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.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband was 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.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization.



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6.Heard the learned counsel on either side and perused the materials available on record.

7.Considering the nature of allegations, the fact that the contraband was seized, the submission that the petitioner is willing to deposit an amount of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to any welfare scheme and since custodial 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.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of the “**Dean, Stanley Government Medical College and Hospital, Chennai bearing A/c. No.39219285071, State Bank of India, Old Jail Road, Stanley Hospital, IFSC: SBIN0001476**”, 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 **District Munsif cum Judicial Magistrate Court, Pochampally**, 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] 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 jurisdictional Judicial Magistrate from Monday to Friday at 10.30 a.m., and shall report before the respondent police on Saturday and Sunday at 10.30 a.m., until further orders;

[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*** reported in [(2005)AIR SCW 5560];

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

22.05.2025

ata/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 official website of this Court will be watermarked and will also have a QR code.

Copy to:

1.The District Munsif cum Judicial Magistrate Court, Pochampally.

2.The Inspector of Police,
Mathur Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court of Madras.



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N.SENTHILKUMAR, J.

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