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CrI.O.P.No.16614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16614 of 2025

T.Santhi

... Petitioner/accused

Vs.

State Represented by
Station House Officer
Kallakurichi Police Station
Kallakurichi District.
Crime No.295 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
the event of arrest in Crime No.295 of 2025 on the file of the Station House
Officer, Kallakurichi Police Station, Kallakurichi and Kallakurichi District.



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For Petitioner : Mr.P.Rajavel Rajavel

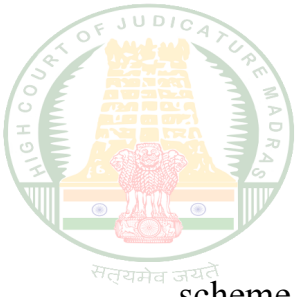
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 123 of BNS Act r/w Section 24(1) Cigarette and other Tobacco Products Act, 2003, in Crime No.295 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the above case and she has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.25,000/- to any welfare



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scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner was found in illegal possession of banned tobacco products.

5. Heard both sides and perused the materials available on record.

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



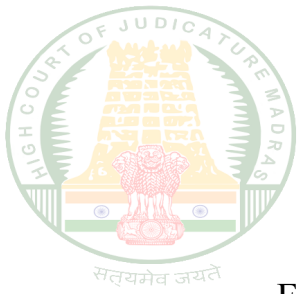
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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Kallakurichi, Kallkurichi District**, 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 proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial



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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;

[c] The petitioner shall deposit a sum of Rs.25,000/- (Rupees Fifty Thousand only) (Non refundable) towards the account of CANCER INSTITUTE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the Judicial Magistrate No.I, Kallakurichi, Kallakurichi District and the receipt shall be produced at the time of executing the bond;

[d] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks; thereafter as and when required for interrogation;



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[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 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];



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

13.06.2025

dna

To:

1.The Judicial Magistrate No.I, Kallakurichi,
Kallakurichi District.

2.The Station House Officer
Kallakurichi Police Station
Kallakurichi District.
Crime No.295 of 2025.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

dna

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