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CRL OP No. 17463 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17463 of 2025

Usha

Petitioner

Vs

State rep by
THE INSPECTOR OF POLICE,
H6-RK Nagar Police Station,
Chennai-600021.

Respondent

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the Petitioner on
anticipatory bail in relation to Crime No. 399/2025 in the event of arrest by the
Respondent Police.

For Petitioner(s): Mr.Sriram V

For Respondent(s): M/s. R. Vinoth Raja Ga (crl.
Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 24(1) of Cigarette and Other Tobacco Products Act & 7 r/w 9(ii), TNPSS Act, in Crime No.399 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the respondent police were on their routine inspection duty, they found that the petitioner, who is the owner of a small tiffin stall was involved in illegal possession of 31 packets of banned tobacco substance (Mava) in her shop for illegal sales. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case and she had never committed any offence as alleged by the prosecution. He further submitted that the petitioner, without prejudice to her rights, is ready to deposit a total sum of Rs.10,000/- to any welfare scheme of the Government or



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any other organization and that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the total quantity of banned tobacco products involved in this case is 31 packets; that the petitioner has 7 previous cases; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the seized contraband is of intermediate quantity, the voluntary submission made by the learned counsel appearing for the petitioner regarding depositing a sum of Rs.10,000/- to any welfare organization and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner



with certain conditions.

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6. 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 XV Metropolitan Magistrate, George Town, Chennai** on condition that the petitioner shall execute a separate 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] 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 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;



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[c] The petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten 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 XV Metropolitan Magistrate, George Town, Chennai and the receipt shall be produced at the time of executing the bond;

[d] the petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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



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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];

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

27-06-2025

gbi

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

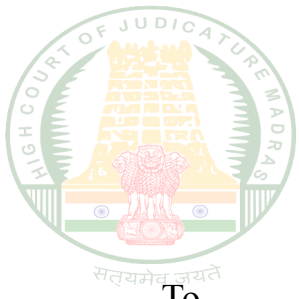
Neutral Citation:Yes/No



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To
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1.State rep by THE INSPECTOR OF
POLICE,
H6-RK Nagar Police Station Chennai-
600021.

2.The XV Metropolitan Magistrate,
George Town, Chennai.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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