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CrI.O.P.No.17726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17726 of 2025

Sathish Kumar

... Petitioner/A3

Vs.

The State Rep. by
The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
(Crime No.134 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 his arrest by the respondent police pending investigation in Crime No.134 of 2025 on the file of the respondent police.

For petitioner : Mr.V.K.Thiruvengadam

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 109, 123, 274, 275 of BNS, 2023 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.134 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 and A2 in this case were found to be in illegal possession of 600 kgs of banned tobacco products. Based on the confession of A1, petitioner is arrayed as A3.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. Based on the confession of A1 the petitioner has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to any welfare scheme of the Government or any other organization. Hence, he prays to grant anticipatory bail to the petitioner.



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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 in this case, there are totally three accused. A1 and A2 were arrested and still in jail, based on the confession of A1, petitioner is arrayed as A3 in this case. He further submitted that tobacco products seized from A1 and A2.

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

6.Considering the facts and circumstances of the case and the fact that there is no recovery from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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**



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Magistrate No.I, Villupuram 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] 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;

[b] **The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (Non refundable) towards the account of SRI RAMACHANDRA INSTITUTE OF HIGHER**



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EDUCATION AND RESEARCH, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Current Account No.471533180, IFSC Code No.IDIB000S180 and to produce the Bank Challan before the learned Judicial Magistrate No.I, Villupuram and the receipt shall be produced at the time of executing the bond;

[c] 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;

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

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[f] 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;



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[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

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To

1.The Judicial Magistrate No.I,
Villupuram.

2.The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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