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CRL OP No. 17630 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. 17630 of 2025

Sivakumar

Petitioner(s)

Vs

State Rep by, Inspector of police,
Valavanur Police station, Villupuram
District. Crime No.255/2025.

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of BNSS, 2023, to grant Anticipatory Bail to the petitioner and order to enlarge him on bail in the event of arrest in Crime No 255/2025 by the Respondent Police.

For Petitioner(s): M/S.Sudhakar kannusamy (VC)

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



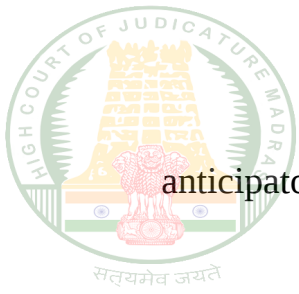
ORDER

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 274, 275, 123 of BNS 2023 and Section 24(1) of Cigarettes and Other Tobacco Products Acts, 2003** in connection with Crime No.255 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 20100 packets of banned tobacco products. Based on the confession statement of A1, the petitioner herein, has been implicated in this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner has been implicated only based on the confession of A1. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of



anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner was arrested only on the confession of A1 and strongly raised objection for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels, 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 is made ready, before the **learned Judicial**



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Magistrate No.II, 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] **The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) (Non refundable) towards the account of MR.DIRECTOR & JAO GOVERNMENT ANNA MEMORIAL CANCER INSTITUTE (WIA), Kancheepuram Main [0157], Savings Bank Account maintained at Indian Overseas Bank, Kancheepuram Main Branch, No.27, Vazhakkarutheeswar Koil Street, Kancheepuram-631 501, Tamil Nadu, India, bearing SB Account No.015701000013540, IFS Code No.IOBA0000157, Branch Name and Code 0157, MICR No.600020152 and to produce the Bank Challan before the Judicial Magistrate No.II, Villupuram and the receipt shall be produced at the time of executing the bond;**

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



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stand automatically cancelled;

[c] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[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;

[e] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[f] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass



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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];

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

27-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Inspector of police,
Valavanur Police station, Villupuram
District.

2. The Judicial Magistrate No.II,
Villupuram.

3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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