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CrI.O.P.No.18842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18842 of 2025

1.Arun @ Arunkumar

2.Gowtham @ Narayanasamy

... Petitioners/A2 & A3

Vs.

State Rep. by

The Inspector of Police,

Thazhambur Police Station,

Chengalpattu District.

(Crime No.193 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in the event of their arrest by the respondent police pending investigation in Crime No.193 of 2025 on the file of the respondent police.

For petitioners : Mr.G.Magesh Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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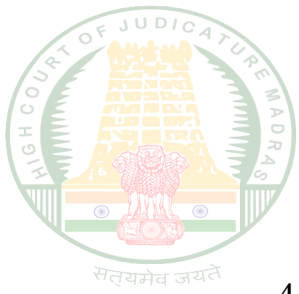
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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7, 9(2) of Cigarette and other Tobacco Products Act, 2003 r/w Section 123 of BNS, 2023 in Crime No.193 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 750 kgs of banned tobacco products worth about Rs.4 lakhs in a car. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners, without prejudice to their rights and defence, are ready to deposit a sum of Rs.1,00,000/- each, to any welfare scheme of the Government or any other organization. Hence, he prays to grant anticipatory bail to the petitioners.



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4.The learned Additional Public Prosecutor appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the petitioners have got no previous cases.

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

6.Considering the facts and circumstances of the case and the fact that the petitioners have got no previous cases, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruporur** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties** each for a like sum to the satisfaction of the respondent police or the



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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 petitioners fail 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) (Non refundable) each, towards the account of SRI RAMACHANDRA INSTITUTE OF HIGHER 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 concerned Magistrate and the receipt shall be produced at the time of executing the bond;



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[c] **the petitioners 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 petitioners shall make themselves available for interrogation by a Police Officer as and when required;

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

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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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M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate,
Thiruporur.

2.The Inspector of Police,
Thazhambur Police Station,
Chengalpattu District.

3.The Public Prosecutor,
High Court of Madras.

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