



Crl.O.P.No.18904 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18904 of 2025

1. S.M.Siva Kumar
2. Joseph Jayaraj

... Petitioners

Vs.

State rep by
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Cr.No.278 of 2025)

... Respondent

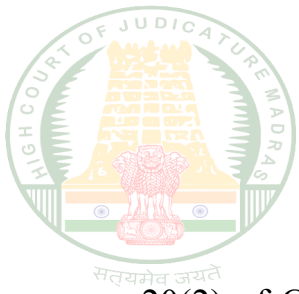
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Cr.No.278 of 2025 on the file of the Inspector of Police, Sirkazhi Police Station, Mayiladuthurai District.

For Petitioners : Mr.S.P.Harikrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences under Sections 271, 27, 123 of BNS and Sections 7 and



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20(2) of COTPA Act in Cr.No.278 of 2025 on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of the 15 kgs of banned tobacco products. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further, on instruction, submitted that without prejudice to defence, the petitioners are prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there is no previous case against the petitioners and based on the confession of A1 that the A3 has purchased the banned tobacco product and the same was given to A1, A2 and A4, for selling the same to the local public for their personal gain. Hence, he opposed for granting anticipatory bail to the petitioners.



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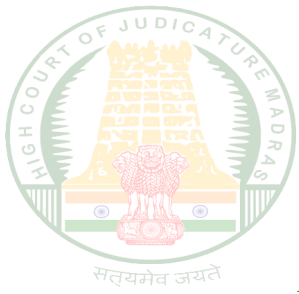
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5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioners are not required, 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 Sirkazhi**, on condition that each of the petitioners shall execute separate bonds 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 petitioners shall deposit a sum of Rs.25,000/- each (Non refundable) towards the account of Advocate Clerk's Association, Ponneri: Account No.717907005,**



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**Kancheepuram Central Co-op Bank Ltd.,
Ponneri-601 204, Thiruvallur District : IFSC Code:
TNSC0010200 and to produce the Bank Challan before the
Judicial Magistrate Court, Sirkazhi and the receipt shall
be produced at the time of executing the bond;**

[b] if the petitioners fails to surrender before the
said Magistrate within a period of fifteen days, this Order shall
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 petitioners 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 petitioners shall not abscond either during
investigation or trial and they shall make themselves available
for interrogation by a Police Officer as and when required;

[f] the petitioners 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 petitioners to give an undertaking that if
required for being identified by witnesses during investigation



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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 appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court themselves 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.

30.07.2025

Vv

To

1. The Judicial Magistrate, Sirkazhi
2. The Inspector of Police,
Sirkazhi Police Station, Mayiladuthurai District.
3. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

Vv

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