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Crl.O.P.No.18980 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18980 of 2025

Sabarinathan

... Petitioner

Vs.

State rep by
Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
(Crime No.48 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, in connection with Crime No.48 of 2025, on the file of the respondent.

For Petitioner : Mr.Ranjith Kumar J

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



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 281, 123 BNS and Section 7 of the Cigarettes and Other Tobacco Products Acts, 2003, in Crime No.48 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.04.2025 at about 9.00 p.m, the police, during a routine night patrol in Mathikonpalayam, Dharmapuri, found a Hyundai I10 Car bearing Registration No.KA-05-MY-2762 parked suspiciously near a public road. Upon Enquiry, it was found that a Mahindra pickup van had collided with the rear of the Hyundai, causing it to hit the vehicle in front. The petitioner who is the driver of the Car fled the scene of occurrence. Upon inspection of the Car, 14 plastic bags were found concealed inside the vehicle. On checking, each bag was found to contain banned tobacco products valued at approximately Rs.1,45,600/-. Hence the case.



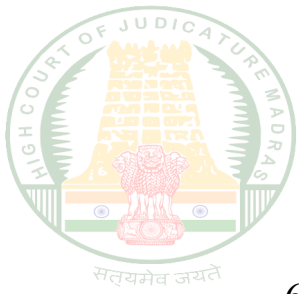
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3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit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

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case 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.



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6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 Magistrate No.I, Dharmapuri**, 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**



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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 Judicial Magistrate No.I, Dharmapuri 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 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;



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[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 appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by



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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.

25.07.2025

dna

To:

- 1.The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District, District.
(Crime No.48 of 2025)
- 2.The Judicial Magistrate No.I, Dharmapuri.
- 3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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