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Crl.O.P.Nos.19496 & 19288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.19496 & 19288 of 2025

V.S.Kumar ... Petitioner in Crl.O.P.No.19496 of 2025

Prem Kumar ... Petitioner in Crl.O.P.No.19288 of 2025

Vs.

State by:

The Inspector of Police,
T-5, Vanagaram Police Station,
Thiruvallur Dist.

(Crime No.106 of 2025)

... Respondents in both Crl.O.P.s

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of arrest in connection with Crime No.106 of 2025 on the file of respondent Police.

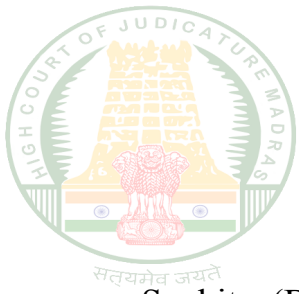
In both Crl.O.P's:

For Petitioners : M/s.S.Ramesh

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

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences under Sections 274, 275 and 123 of The Bharatiya Nyaya



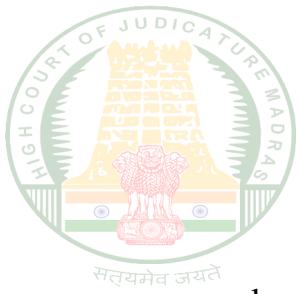
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Sanhita (BNS), 2023 r/w.24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice Act 2015, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that totally there are four accused persons. The petitioner in Crl.O.P. No.19288 of 2025 is arrayed as A3 and the petitioner in Crl.O.P.No.19496 of 2025 is arrayed as A4. It is seen that A1 and A2 were found in illegal possession of banned tobacco products weighing 750 Kgs and 14 Kgs respectively. However, A3 and A4 are father and son, they were also found to be in possession of the said products. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are selling tea powder and they are innocent persons, who 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



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respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners.

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 is 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 No.I, Poonamallee** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** each (out of which one surety shall be a local surety) 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 petitions for anticipatory bail shall stand dismissed and on further condition that:



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[a] **The petitioners shall deposit a sum of Rs.50,000/- each (Rupees Fifty Thousand Only) to the credit of “Sri Ramachandra University, Porur Branch, Sri Ramachandra University, Ramachandra Nagar, Porur, Chennai-600 116 in A/c.No.CA 6203243021, IFSC Code:IDIB000S180, Indian Bank, and to produce the Bank Challan before the Judicial Magistrate No.I, Poonamallee and the receipt shall be produced at the time of executing the bond;**

[b] if the petitioners fail 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



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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 or for police custody beyond the first fifteen days, they 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 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]**;

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

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To

1. Judicial Magistrate No.I, Poonamallee
2. The Inspector of Police,
T-5, Vanagaram Police Station,
Thiruvallur Dist.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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