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Crl.OP.No.19841 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.19841 of 2025

1.Prabhu

2.Jayaprakash

... Petitioners/A2&A3

-Vs-

The State represented by,
The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

(Crime No.171 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of Crl.Procedure Code and Section 482 of BNSS, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.171 of 2025 on the file of the respondent police.

For Petitioners : Mr.V.Murugesan

For Respondent : Mr.S.Udayakumar,

Government Advocate (Crl. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 274, 275 and 123 of BNS Act read with 24(1) of Cigarette and other Tobacco Products Act 2023, in Crime No.171 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that the first petitioner was found in possession of Hans Pocket 51 (51x15=765), Cool Lip 35 (35x8=280) and Vimal 15 pocket (15x30=450). Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they are no way connected with the alleged offence. He would also submit that without prejudice, the first petitioner is prepared to deposit an amount of Rs.10,000/- and the second petitioner is prepared to deposit an amount of Rs.5,000/- as non- refundable deposit to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that nine previous cases of a similar nature are pending against the first petitioner, and the second petitioner also has previous cases registered against him. However, he vehemently opposed the grant of anticipatory bail to the petitioners.



5. Heard the learned counsel for the petitioners as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.

6. In order to curb the illegal activities, this Court is of the opinion that the first petitioners shall deposit a sum of **Rs.10,000/-** and the second petitioner shall deposit a sum of **Rs.5,000/-** as non refundable deposit to **"The Registered Advocate Clerk Association, Villupuram District"**, without prejudice to their rights and contentions before the trial Court.

7. Merely, because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the first petitioner shall deposit a sum of **Rs.10,000/-** and the second petitioner shall deposit a sum of **Rs.5,000/-** as non refundable deposit to **"The Registered Advocate Clerk Association, Villupuram District"**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. Accordingly, **the first petitioner is directed to deposit a sum of Rs.10,000/- and the second petitioner is directed to deposit a sum of Rs.5,000/- by way of Demand Draft/RTGS/NEFT to "The Registered Advocate Clerk Association, Villupuram District"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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-1, Villupuram District**, on condition that the petitioners shall execute separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners are directed to report before the respondent police on alternative days at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]**.

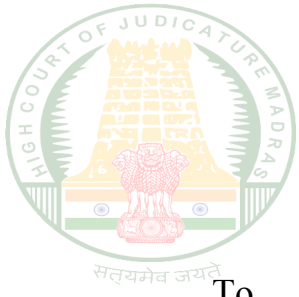
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To
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1. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
2. The Judicial Magistrate No.1, Villupuram.
3. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.,

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