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Crl.O.P.No.20372 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20372 of 2025

Ghevaram

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Karipatty Police Station
Salem District. (Crime No.271 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 their arrest in connection with Crime No.271 of 2025 on the file of respondent Police.

For Petitioner : M/s.D.Gnanasoundari

For Respondent : Mr.Leonard Arul Joseph Selvam

Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Section 6, 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.271 of 2025, on the file of the respondent, seeks anticipatory bail.



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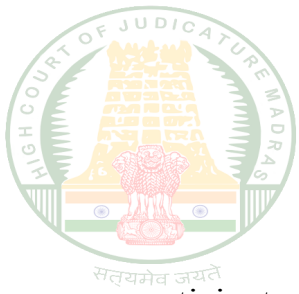
2. The case of the prosecution is that the petitioner along with other accused had illegally transported 342.165 kilograms of banned tobacco products, worth about Rs.11,83,200/-. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner name was not found in the FIR. He further submitted that the petitioner, to show his bonafide, without prejudice to his contentions, is ready to deposit a sum a considerable amount to the credit of any charitable organization. Hence, he prays for the grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner. He further submitted that the petitioner rank was not known. He also submitted that the petitioner along with A1 had transported 342.165 kilograms of banned tobacco products in a car and met with an accident; that the contraband was seized and that the petitioner was present at the scene of occurrence along with A1.

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

6. Considering the submission made by the learned counsel appearing on both sides and nature of the allegations, this Court is inclined to grant



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anticipatory bail to the petitioner subject to 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 made ready, before the learned **Judicial Magistrate, Valapadi**, on condition that 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.75,000/- (Rupees Seventy Five Thousand only) (Non refundable)** to the credit of “**Mercy Home, Nazarethur, Sogathur Cross Road, Dharmapuri – 636809, Account No:40079907633, IFSC:SBIN0012770, State Bank of India, Elakkiampatty, Dharmapuri, Mobile No.8825834233**”, and shall produce the bank challan and the proof of payment before the learned Magistrate concerned at the time of executing the sureties;

[b] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[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;

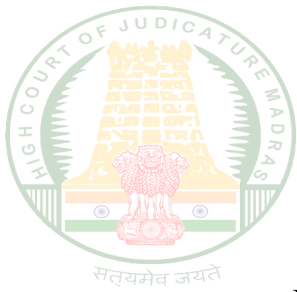
[d] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[e] the petitioner 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 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 the learned



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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.

28.07.2025

drl

To

1. The Judicial Magistrate,
Valapadi.
2. The Inspector of Police,
Karipatty Police Station
Salem District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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