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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-09-2025**

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 20662 of 2025

Sarbudeen Basheerahamed

...Petitioner(s)

Vs

State, Rep by

The Inspector of police, VARANJARAM POLICE STATION,
Kallakurichi District. Crime No.165 of 2025.

...Respondent(s)

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in
the event of his arrest by the respondent police in Crime No. 165 of 2025
on the file of the respondent police.

For Petitioner(s) : Mr.Krishnasamy Chinnasamy

For Respondent(s): Mr.S.Udayakumar,
Government Advocate (Crl.Side)



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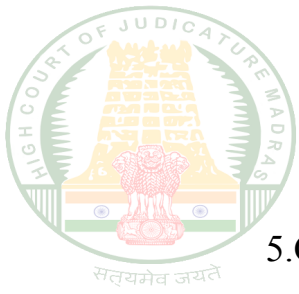
ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 123 of BNS and Section 24(1) of COTPA Act, 2003, in Crime No.165 of 2025, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was in illegal possession of 140 kgs of banned tobacco products. Hence this case.

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. The petitioner, without prejudice to his defense is ready and willing to deposit an amount of Rs.25,000/- (Rupees twenty five thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, sought for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal side) reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioner. He submitted that the petitioner is A4 and the co-accused were arrested and this petitioner has two previous cases.



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5.Considering the facts and circumstances of the case that the petitioner has come forward to deposit an amount of Rs.25,000/- (Rupees twenty five thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai, in Account No.484077244, Indian Bank, Madras High Court Branch, Madras, IFSC Code: IDIB000M157, and on such deposit, 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,¹ Kallakurichi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which one shall be a local surety and one shall be a blood relative) 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] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) as non refundable deposit to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai, in Account No.484077244, Indian Bank, Madras High Court Branch, Madras, IFSC Code: IDIB000M157.

[c] The petitioner shall report before the respondent police on alternative days at 10.30 a.m. for a period of three months and thereafter, as and when required for further interrogation;

[d] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[e] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall make himself available for interrogation



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by a Police office as and when required;

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

[i] 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];

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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- 1.The Judicial Magistrate-I, Kallakurichi.
- 2.The VARANJARAM POLICE STATION,
Kallakurichi District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

Note:

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.



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T.V.THAMILSELVI, J.

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