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Crl.OP.No.21466 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21466 of 2025

Francis

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Attur Town Police Station,
Salem District.
(Crime No.275 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.275 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Govi Ganesan

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



ORDER

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The petitioner, who apprehends arrest for the alleged offence punishable under Sections 7(5), 20(2) of COTPA and read with Section 123 of BNS, 2023 [328 of IPC], in Crime No.275 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of prosecution is that on 18.07.2025 the petitioner seized 3.360 kg of HANS tobacco packets containing 168 packets weighing about 20 grams, 75 COOLIP tobacco packets weighing about 12.6 grams, 228 packets weighing about 25 grams, 570 gm of VIMAL PAN MASALA packets and 228 packets weighing about 0035 grams containing 80 grams of VI tobacco (total weight about 4.967 kilograms) without proper permission. Hence this case.

3. The learned counsel appearing for petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner seized 4.967 kgs of tobacco



products without any permits. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances, and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Attur*, 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 and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Advocate Clerk Association, Salem**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the receipt for the same before the Court below.



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(b) 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;

(c) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of eight weeks.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]*; and;



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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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rna

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

- 1.The learned Judicial Magistrate No.I, Attur.
- 2.The Inspector of Police,
Attur Town Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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