



Crl.O.P.No.23067 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23067 of 2025

S.Prabakaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kanai Police Station,
Villupuram District.
(Crime No.130 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.130 of 2025 on the file of respondent Police.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr.S.Vinoth Kumar
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 Sections 123, 274 and 275 of BNS Act and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.130 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. According to the prosecution, during vehicle check up, on 20.07.2025, at about 12.15 hours, a two-wheeler bearing Reg.No.TN 32 BJ 1461 was intercepted, in which, the petitioner was the rider and the first accused, Ganesan, was the pillion rider and from his possession, banned tobacco products were seized. The petitioner has left the vehicle and his companion and escaped from the scene of crime.

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. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) submits that the pillion rider is a physically challenged person who was arrested and later released on bail. The value of the banned tobacco product is about Rs.10,000/-. Both the materials and the vehicle have already been seized.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, **on or before 02.09.2025** before the learned **Judicial Magistrate-I, Villupuram**, 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:



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[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.130 of 2025 on the file of the Judicial Magistrate-I, Villupuram, on or before 02.09.2025;

[b] if the petitioner fails to surrender before the concerned Magistrate on or before 02.09.2025, 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 petitioner shall report before the respondent police as and when required;

[e] 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 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];**

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



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ssb

To

1.The Judicial Magistrate-I, Villupuram.

2.The Inspector of Police,
Kanai Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.
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