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Crl.OP.No.24008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24008 of 2025

Murugesan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Nolambur Police Station,
Chennai.
(Cr.No.145 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Cr.No.145 of 2025 on the file of the respondent.

For Petitioner : Mr.S.N.Arun Kumar
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl.Side)

ORDER

The petitioner herein apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 296(b), 132 and 123 of
BNS, 2023 and Section 24(1) of Cigarette and Other Tobacco Products Acts,



2003 r/w Section 77 of Juvenile Justice (Care and Protection of Children)

Act. 2015 in Crime No.145 of 2025, on the file of the respondent Police,
seeks anticipatory bail.

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2. 190 kgs of banned tobacco products seized from one Ponraj which he was transporting it from Andhra Pradesh in his car bearing Regn.No.TN-02-BF-8732. Based on the confession of the said Ponraj, this petitioner is arrayed as A2 in this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the statement of the arrested accused indicates that the seized contraband was



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purchased by the third accused to be delivered to this petitioner. Further, the statement of the accused person reveals that this petitioner had already procured banned tobacco products from the arrested accused. Hence, he opposed to grant bail to the petitioner.

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

6. This Court on perusing the statement of the arrested accused Ponraj finds that the contraband presently seized was transported by the arrested accused Ponraj from Andhra Pradesh on the instructions of the absconding first accused by name Raman. As far as the contraband seized, there is no incriminating statement to implicate this petitioner.

7. The learned Government Advocate (Crl.Side) appearing for the respondent police after referring the C.D.File states that the premises of the petitioner not searched and nothing recovered from the premises of this petitioner.



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8. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate Ambattur*** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** each for a like sum 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 petitioners fail to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioners shall report before the



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respondent police daily at 10.30 a.m., until further orders;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]**;

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

02.09.2025

Vv

To

- 1.The Judicial Magistrate, Ambattur
2. The Inspector of Police,
Nolambur Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.



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