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Crl.OP.No.24148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24148 of 2025

Pavithra

... Petitioner

Vs.

The State Rep by its
Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
(Cr.No.237 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 arrest in Cr.No.237 of 2025 on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj Elangovan

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 123, 274, 275 of BNS
2023 and (Corresponding Section 328, 272, 273 of IPC) Section 24(1) of



Cigarette and Other Tobacco Products Act in Crime No.237 of 2025, on the file of the respondent Police, seeks anticipatory bail.

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2. The petitioner herein apprehends arrest in connection with seizure of 300 grams of banned tobacco products from the shop of the petitioner's husband. Hence, the case

3. The learned counsel appearing for the petitioner states 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 husband of the petitioner was arrested and this petitioner is absconding. 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. Taking note of the fact that the value of the banned tobacco products is Rs.120/- and the husband of the petitioner who is the owner of



the shop has already been arrested, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,000/- [Rupees Two Thousand Only]** to the credit of **Crime No.237 of 2025** before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, **on or before 19.09.2025**, before the *learned Judicial Magistrate, Kilpennathur, Tiruvannamalai District* 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that

[a] if the petitioner fails to surrender before the concerned Magistrate on or before 19.09.2025, 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;



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CrI.OP.No.24148 of 2025

[c] the petitioner shall report before the respondent police as and required for interrogation;

[d] 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]**;

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

03.09.2025

Vv

To

- 1.The Judicial Magistrate,
Kilpennathur,
Tiruvannamalai District.
2. The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

Vv

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