



Crl.O.P.No.27451 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.10.2025**

CORAM:

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.27451 of 2025

Sundaramoorthi

... Petitioner

Versus

The State,
Rep. by The Inspector of Police,
Vadaponparappai Station, Kallakurichi.
(Crime No.215 of 2025)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime.No.215 of 2025 pending on the file of the respondent.

For Petitioner : Mr. A. Arun
For Respondent : Mr. S. Santhosh,
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023, and Section 24(1) of Cigarette and other Tobacco Products Act, 2003, Crime No.215 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the respondent



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police were conducting an inspection during their routine patrol duty, they found the petitioner, along with other individuals illegal possession of various types of tobacco products, intended for sale to the public for their personal gain. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case; that the petitioner has never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertakes to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner, along with other accused was found in possession of 44 packets consisting of 660 pouches of HANS CHAP TOBACCO, 6 packets consisting of 300 pouches of KAMATH HANS, 5 packets consisting of 40 pouches of COOL LIP, 41 packets



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consisting of 1230 pouches of VIMAL SUBARI, 52 packets consisting of 1560 pouches of V1 TOBACCO. The total quantity of seized banned tobacco products was approximately 20 kilograms. Further, he submitted that the petitioner has no previous cases, the investigation is ongoing, and the grant of anticipatory bail to the petitioner is opposed.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases pending against him and since custodial interrogation of the petitioner is not required for the purpose of investigation, 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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Sankarapuram**, 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



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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] the petitioner and 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;

[b] the petitioner shall report before the respondent Police daily at 10:30 A.M., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

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

[e] 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 was 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].

[f] If the petitioner thereafter absconds, a fresh



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FIR can be registered under Section 269 of B.N.S.

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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 official website of this Court will be watermarked and will also have a QR code.**



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N.SENTHILKUMAR, J.

klr

To

- 1.The Judicial Magistrate, Sankarapuram.
- 2.The Inspector of Police,
Vadaponparappai Station, Kallakurichi.
(Crime No.215 of 2025)
- 3.The Public Prosecutor, High Court of Madras, Chennai – 104.

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