



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 28136 of 2025

M. Dhanasekaran

Petitioner(s)

Vs

State rep by Inspector of Police,
G-7 Achirapakkam PS, Chengalpattu
District-603 301 Crime No.251/2025

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in the event of his arrest in connection with in Cr.No.251 of 2025, on the file of the Respondent Police.

For Petitioner(s): Mr.D Senthilkumar

For Respondent(s): Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

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The petitioner apprehends arrest for the alleged offence under Sections 274, 275, 123 of BNS, 2023 and r/w 24(1) of Cigarette and other Tobacco Products Acts (COTPA), 2003, in Cr.No.251 of 2025, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 8 kgs of banned tobacco products. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and he is ready to abide any stringent conditions that may be imposed by this Court and he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reported that the petitioner was found in possession of 8 kgs of banned tobacco products and he was not having any previous cases and the property also recovered. He further submitted that investigation in this case is not concluded and hence, he opposed for grant of anticipatory bail to the petitioner.



5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by both counsels, and taking note of the fact that the petitioner is not having any specific overt act, and the property also recovered, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 Court-II, Madurantakam***, on condition that the petitioner shall execute a bond 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 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 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, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

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

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

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

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To
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- 1.State rep by Inspector of Police,
G-7 Achirapakkam PS, Chengalpattu
District-603 301 Crime No.251/2025
- 2.The Judicial Magistrate Court-II,
Madurantakam.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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