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Crl.O.P.No.28550 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.28550 of 2025

Mohammed

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
Valathy Police Station,
Villupuram District.
Crime No.170 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 his arrest in Crime No.170 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Maha Vishnu

For Respondent : Mr.S.Udayakumar,
Government Advocate (Criminal 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 Section 24(1) of COTPA Act, in Crime No.170 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of V-1 tobacco products 540 Nos, Vimal Pan Masala – 570 Nos., Hans Chaap Tobacco – 195 Nos., Cool Lip – 22 Nos. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submitted that co-accused/A1 was arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of anticipatory bail, reiterating the prosecution case and submitted that there are totally three accused involved in this case, and the petitioner is ranked as A2. He further submitted that the petitioner has no previous case and the investigation in this case is pending.

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



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6. Considering the submissions made by the learned counsels on either side, the fact that the co-accused/A1 was arrested and released on bail, and the petitioner has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. 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 Court, Gingee**, 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 learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails 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;



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks, and thereafter as and when 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.

30.10.2025

cda

To

- 1.The Judicial Magistrate Court, Gingee.
- 2.The Inspector of Police,
Valathy Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court of Madras.

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