



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 28913 of 2025

B.Thamotharan

Petitioner(s)

Vs

State rep. by its,
Inspector of Police Acharapakkam
police station, Chengalpattu District.
(Crime No.251/2025).

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the Petitioner on anticipatory bail pending investigation in connection with Crime No. 251/2025 on the file of Inspector of Police, Acharapakkam police station, Chengalpattu District.

For Petitioner(s): Mr.P.Vasanth Kumar

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



ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 274, 275, 123 of BNS, 2023 r/w Section 24(1) of Cigarettes and other Tobacco Products Acts, 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 had joined hands with other accused were found in possession of 8 kgs of banned tobacco products and sold the same to the local public for his personal gain. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been wrongly implicated in this case on suspicion. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and reported that the quantity of the contraband involved in this case is 8 kgs and the same were seized by the respondent police. However, he opposed to grant anticipatory bail to the



petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made by both counsel, and taking note of the fact that the banned contraband was seized and there is no previous case as against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to 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 fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate -II, Maduranthakam** 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 learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



WEB COPY

(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 identify proofs to ensure their identity;

(c) 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;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

25-10-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

CRL OP No. 28913 of 2025





To
WEB COPY

- 1.State rep. by its,
Inspector of Police Acharapakkam
police station, Chengalpattu District.
(Crime No.251/2025).
- 2.The Judicial Magistrate No.II,
Maduranthakam.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL OP No. 28913 of 2025



K.RAJASEKAR J.
gbi

**CRL OP No. 28913 of
2025**

25-10-2025