



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29615 of 2025

SAKTHIVEL

Petitioner(s)

Vs

State Rep By
The Station House Officer, vadaponparappi Police Station,
Kallakurichi District. Cr.No.223 of 2025

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in event of his arrest in Crime No.223 of 2025 pending investigation on the file of Respondent Police and thus render justice.

For Petitioner(s): Mr.G.Balamanikandan

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



ORDER

The petitioner apprehends arrest for the alleged offence under Sections 123 of BNS, r/w 24(1) of Cigarette and other Tobacco Products Act 2003, in Cr.No.223 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 illegal possession of 720 pouches of HANS CHAP Tobacco in his house. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that A2 in this case has already been released on bail by this Court in Crl.OP No.26199 of 2025. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner has no previous case pending against him and that the investigation is still pending. 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 submissions made by the learned counsel on either side, the fact that the co-accused has already been released on bail, the investigation is pending and the petitioner has no previous case pending against him, 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, Sankarapuram***, 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.

31-10-2025

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To
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- 1.State Rep By
The Station House Officer,
vadaponparappi Police Station,
Kallakurichi District. Cr.No.223 fo
2025
- 2.The Judicial Magistrate,
Sankarapuram.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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