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Crl.O.P.No.3144



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.31444 of 2025

Raja

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
(Crime No.259 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.259 of 2025 on the file of the respondent police.

For Petitioner : Mr.Raji

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

**ORDER**

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The petitioner, who apprehends arrest for the alleged offence punishable under Sections 123 of BNS, r/w 24(1) of COTPA, 2003, in Crime No.259 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of prosecution is that the occurrence was taken place on 26.10.2025, A1 was in possession of banned tobacco products and was selling the said products namely Cool Lips – 8 pouches (Each 12.6 grams) $8 \times 12.6 = 100.8$ grams) in her grocery shop and she was arrested from the scene of occurrence. Hence this case.

3. The learned counsel appearing for petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the property recovered, no previous case is pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of this case, the property has been recovered and the petitioner is not having any previous case, and 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 (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Kallakurichi District*, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty 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 daily at 10.30 a.m., for the period of two weeks and thereafter as and when requires for interrogation;



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(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.

18.11.2025

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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 the



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

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To

- 1.The Judicial Magistrate No.I, Kallakurichi District.
- 2.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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