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Crl.O.P.No.31719



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.31719 of 2025

Thabarak Basha

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Ariyoor Police Station,
Vellore District.
(Crime No.150 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.150 of 2025 on the file of the respondent police.

For Petitioner : Mr.Sriram

For Respondent : Ms.J.R.Archana,
Government Advocate (Crl. Side)

**ORDER**

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The petitioner, who apprehends arrest for the alleged offence punishable under Sections 7(5), 20(2) of COTPA Act, 275, 123 of BNS Act, in Crime No.150 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against this petitioner is that, this petitioner is ranked as A2 and involved in supply of 3 kgs of banned tobacco products. The respondent police on information inspected the shop of the A1 and recovered the 3 kgs of banned tobacco products. On the basis the statement recorded from A1, this petitioner added as A2. 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. He further submitted that this petitioner herein was arrested on 27.08.2025 in connection with Crime No.173 of 2025 on the file of Vellore South Police Station. Further the petitioner has not been arrested in this case and the petitioner herein was released on bail on 09.10.2025. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally 2 accused in this case and petitioner is having three previous cases, if the petitioner is granted bail he will indulge in similar activities. Hence, she opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made on both sides and perused the records, and admittedly the petitioner herein was arrested in connection with Crime No.173 of 2025 on the file of Vellore South Police Station on 27.08.2025 on allegation this petitioner supplied the contraband to the co-accused in that case, similarly in this case also it is alleged that the petitioner herein has supplied 3 kgs of contraband. Since the petitioner herein was arrested and released on bail in connection with other cases and he has not been arrested in this 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 I, Vellore*, 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 three weeks and thereafter as and when requires 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

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be registered under Section 269 of B.N.S.

20.11.2025

rna

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.

To

- 1.The Judicial Magistrate I, Vellore.
- 2.The Inspector of Police,
Ariyoor Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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