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Crl.OP.No.35074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.35074 of 2025

Raja @ Sottaiyan Raja

... Petitioner

Vs.

State rep by its
Inspector of Police,
Kitchipalayam Police Station,
(Cr.No.310 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in the event of
his arrest pending investigation in Kitchipalayam Police Station Police
Station in Cr.No.310 of 2025 on the file of the respondent.

For Petitioner : Mr.B.Stephen Raj

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

ORDER

The petitioner apprehends arrest for the alleged offence under Section
123 of BNS,2023 in Cr.No.310 of 2025, on the file of the respondent police.
seeks anticipatory bail.



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2. The case of the prosecution is that on 09.10.2025, based on a secret information, the respondent police went to the spot and found that the petitioner and other accused were found in illegal possession of 10 Tapentadol Hydrochloride-100 mg tanydol tablets and 10 Tapentadol 100mg Aspadol tablets, which led to the registration of the FIR. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case; that the tablets alleged to have seized from the petitioner is not a narcotic substance. He further submitted that the petitioner is ready and abide by any conditions that may be imposed by this Court. Therefore, prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and reported that there are totally four accused involved in this case and the petitioner herein is ranked as A3 and he is having six previous cases. He further submitted that A1 was enlarged on bail by this Court vide order dated 31.10.2025 in



Crl.OP.No.29612 of 2025 and A2 was enlarged on bail by the Principal Sessions Court vide order dated 05.11.2025 in Crl.MP.No.3051 of 2025.

However, he opposed the grant of anticipatory bail to the petitioner.

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

6. Considering the facts and circumstances of the case, co-accused were enlarged on bail, number of tablets seized, the seized contraband from the petitioner is not a narcotic drugs or psychotropic substances, 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 her appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate-II, Salem** 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 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;

(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 daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) The petitioner shall not abscond either during investigation or trial:

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if



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CrI.OP.No.35074 of 20__

the conditions have been imposed and the petitioners 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]*;

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

19.12.2025

Vv

To

1. The Judicial Magistrate-II, Salem
2. The Inspector of Police,
Kitchipalayam Police Station,
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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