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CRL OP No.35517 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL OP No.35517 of 2025

Mathiyalagan
D.No.72,
Mahalakshmi Nagar, Velipalayam,
Nagapattinam- 611001

Petitioner(s)

Vs

The State represented by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
Crime No.435 of 2025

Respondent(s)

Criminal Original Petition filed under Section 482 of B.N.S.S. to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.435 of 2025 pending on the file of the respondent.

For Petitioner(s): Mr.J.Jawahar

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



ORDER

The petitioner/accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Section 275 of B.N.S. and Sections 7 and 20(1) of the Cigarette and Other Tobacco Products Act, 2003, in connection with the Crime No.435 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 4.8 kgs. of tobacco products. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged in the FIR. Hence, he prayed anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner along with other accused were found in possession of 4.8 kgs. of tobacco products. He would further submit that the petitioner has 29 previous cases of similar in nature, in which 12 cases were disposed of and 12 cases pending investigation and thereby, he strongly opposed to grant anticipatory bail to the petitioner.



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

6. Considering the rival submissions on either side, considering the nature of offences and the quantity involved in this case, also considering that the petitioner has some previous cases, in all of the cases, he has been released on bail and most of the cases were already disposed of and considering all others factors, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate, Kilvelur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and 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 30 days and thereafter as and when required



for interrogation;

[c] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

[d] the petitioner shall not leave India without the previous permission of the Court;

[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 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

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

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nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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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.

To

1. The Judicial Magistrate, Kilvelur.
2. The Inspector of Police,
Velankanni Police Station, Nagapattinam District.
Crime No.435 of 2025
3. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

nsd

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