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Crl.O.P.No.35665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35665 of 2025

Mukesh Singh Rao

... Petitioner / A1

Vs

The State Rep. by
The Inspector of Police
Kondalampatti Police Station
Salem District.
(Crime No.47/2023)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on anticipatory bail in the event of the arrest in Crime No.47 of 2023 pending on the file of the respondent police and thus render justice.

For Petitioner : Mr.C.R.Gokulvisvas

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

ORDER

The petitioner / A1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 273, 328 of IPC r/w.Section 6 and 24(1) of COTPA Act in connection with Cr.No.47 of 2023, seek anticipatory bail.

1/6



2. The case of the prosecution is that upon receiving information, the respondent police arrived at the spot and found a car parked at Kondalampatti to Seelainacikenpatti Bye pass Road, with its back side right tyre punctured. The said vehicle was found with gunny bags of banned tobacco products. Hence, the case was registered for illegal transportation of banned tobacco products.

3. The learned counsel appearing for the petitioner submitted that the petitioner have not committed any offence as alleged by the prosecution and he has been falsely implicated in the case. He contends that his name do not figure in the FIR. The learned counsel further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner/A1 was the owner of the car and he was found in possession of 473 kgs. of banned tobacco products. The vehicle was seized. The co-accused who was arrested, was already granted bail. The learned Government Advocate submitted that there is no previous case pending



as against the petitioner. He reiterated the prosecution case and opposed to grant anticipatory bail to the petitioner.

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5. Heard the learned counsel and also the learned Government Advocate and also perused the materials available on record.

6. Considering the nature of offence and that the petitioner is only the owner of the vehicle and that no previous case is pending as against the petitioner, and the co-accused has already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

7. Accordingly, 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 No.V, Salem**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent-police on every Saturday at 10.30 a.m., for a period of four weeks.

[b] 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



Crl.O.P.No.35665 of 2023

dissuade him from disclosing such facts to the Court or to any police officer;

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

[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].

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

30.12.2025

ds/dn

Note :

- 1. Registry is directed to forthwith upload this order in the official website of this Court.*
- 2. All concerned shall act on this order being uploaded in the official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.*



Crl.O.P.No.35665 of 2023

To:

1. The Judicial Magistrate No.V
Salem.

2.The Inspector of Police
Kondalampatti Police Station
Salem District.

3.The Public Prosecutor
High Court, Madras.



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Crl.O.P.No.35665 of 2025

P.DHANABAL, J.,

ds/dn

Crl.O.P.No.35665 of 2025

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