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CrI.O.P.No.35780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.No.35780 of 2025

Ganpatram

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.210 of 2025)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.210 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.R.Gokulvisvas

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

ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6, 24(1) of



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COTPA Act and Section 77 of JJ Act, 2015, in Crime No.210 of 2025 on
the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is A2 in this case, he along with other accused was in possession of 39 Gunny bags of banned tobacco products around 292 Kg. Viz.Ganesh 701 Tobacco, Cool Lip, Vimal Pan Masala VI Tobacco and was trying to transport the same in a Silver Colour Grand Vitara Car bearing Reg.No.TN37EX6574. The petitioner was added as an accused based on the statement of the main accused. Hence, the case.

3. Learned counsel for the petitioner would contend that the petitioner is innocent; that he has been implicated, only based on the confession of the co-accused; that the tobacco was seized by the respondent police; and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, would submit that the



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respondent police seized the tobacco and the petitioner is having two previous cases against him, and the main accused / A1 in this case has been granted bail.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations, and the petitioner was arrayed as an accused only based on the confession statement of the co-accused, and the co-accused was already arrested and released on bail, though the petitioner has two previous cases, he was granted bail in those cases, this Court is inclined to grant anticipatory bail to the petitioner on 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 learned **Judicial Magistrate II, Salem** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**,



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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.

[c] the petitioner shall report before the respondent police every Saturday at 10.30 a.m for a period of four (4) weeks.

[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 action against the petitioner in accordance with law as if the conditions have been imposed



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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].

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

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dna/kas

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

Copy to:

1.The Judicial Magistrate No.II
Salem.

2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

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P. DHANABAL, J.

dna/kas

3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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