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CRL.O.P.No.36035 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP.No.36035 of 2025

Hariharan

... Petitioner

Vs.

State represented by,
Inspector of Police,
E-1, Mylapore Police Station,
Chennai.
[Crime No.393 of 2025]

... Respondent

PRAYER: Criminal Original Petition filed under 482 of BNSS Act, 2023 to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.393 of 2025 on the file of the respondent Police.

For Petitioner : Mr.R.Mukesh Kannah

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

ORDER

The petitioner / Accused apprehends arrest for the alleged offence punishable under Section 123 of BNS Act, and Section 6(b), 24(1) of Cigarette and Tobacco Products Act, 2003 in Crime No.393 of 2025 on the file of the respondent police, seeks anticipatory bail.



CRL.O.P.No.36035 of 2025

2. The case of the prosecution is that based on a secret information received, the respondent police went to the scene of occurrence and that the petitioner along with other accused were found in illegal possession of 10 kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged and he had been falsely implicated in this case. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and abide by any condition that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner along with other accused were found in possession of 10 kgs of banned tobacco products and that there is no previous case as against the petitioner and also the co-accused was released on bail and further, considering the gravity of offence, he opposed to grant anticipatory bail to the petitioner.



CRL.O.P.No.36035 of 2025

5. Considering the representations made by both sides and

considering the nature of the offence and the quantity of material involved in this case and that there is no previous case against the petitioner and also this petitioner is arrayed as an accused only based on the confession statement of the co accused, 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 XVIII Metropolitan Magistrate, Saidapet*** 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 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 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



CRL.O.P.No.36035 of 2025

with the facts of the case so as to dissuade then from disclosing such facts of 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] the petitioner shall make herself available for interrogation by a police officer as and when required.

[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]*.

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

30.12.2025

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Note:

1. Registry is directed to forthwith upload this order in the Official
4/6



CRL.O.P.No.36035 of 2025

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. ***XVIII Metropolitan Magistrate, Saidapet.***
2. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.
3. The Public Prosecutor, High Court of Madras.



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CRL.O.P.No.36035 of 2025

P.DHANABAL,J,

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CRL.OP.No.36035 of 2025

30.12.2025