



CRL OP(MD). No.10695 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Kottaisamy,
S/o.Serman

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.
(Crime No.89 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.Naresh Prabu.A, Advocate

For Respondent : Mr.S.Prakash,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.89 of 2025 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 123 and 62 of BNS, 2023 r/w. Section 24(1) of COTPA Act in Crime No.89 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.06.2025, at about 6.00 a.m., based on secret information, the respondent police were on patrol near the coastal belt in the locality. At that time, the 1st accused was transferring a bag from his hut to a four-wheeler. Upon seeing the respondent police, the 1st accused attempted to flee from the spot; however, the respondent police managed to secure him. In the course of the investigation, it was found that the 1st accused was in illegal possession of 142 kg of tobacco products. Based on his confession, the 2nd accused was implicated in this case. Hence, the present case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He has been arrayed as an accused solely based on the confession of the 1st accused. He further submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that petitioner



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has been arrayed as A2 in this case. A1 was arrested and subsequently released on bail on 02.07.2025 by the learned Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.1581 of 2025. The entire contraband has been seized. He further submitted that there are three previous cases registered against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and taking note of the fact that the co-accused was arrested and subsequently released on bail, and that as the entire contraband has already been recovered, the custodial interrogation of the petitioner is not necessary at this stage, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb



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impression in the surety bond and the Magistrate may obtain a copy of their Aadhar
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card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of *Rs.20,000/- (Rupees Twenty Thousand only)* to the credit of the *Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai*, as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Ramanathapuram shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Ramanathapuram. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Ramanathapuram;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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



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the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme
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Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(h) if the accused thereafter abscond, a fresh FIR can be registered under
Section 269 of BNS, 2023.

Sd/-
03/07/25

// True Copy //

/2025
Sub Assistant Registrar (CS)
Madurai Bench of Madras High Court,
Madurai.

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TO

1.The Judicial Magistrate No.II,
Ramanathapuram.

2.Do through
The Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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The officer incharge,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai

ORDER IN
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Date : 03/07/2025

AVK/23.07.2025 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023