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CrI.O.P.No.1766 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

CrI.O.P.No.1766 of 2026

1.Ayyappan
2.Lakshmi

... Petitioners

Vs.

State by,
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.327 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on bail in the event of arrest pending investigation in Crime No.327 of 2025 on the file of the respondent police.

For Petitioners : Mr.P.M.Jayachandran
For Respondent : Ms.J.R.Archana,
Government Advocate (CrI.Side)

ORDER

The petitioners apprehend arrest for the alleged offence **under Sections 123 of BNS Act and r/w under Section 21(1) of COTPA Act, 2003 in Crime No.327 of 2025** on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the driver and



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the owner of the car bearing Registration No.TN 01 AP 7761 was found to be in illegal possession and transportation of 202 kgs of tobacco products, which were seized from the said vehicle on 28.07.2025, during a vehicle check and on seeing the police, the petitioners abandoned the car and fled from the spot. Hence, a case has been registered.

3. The learned counsel for the petitioners submitted that this Court, earlier dismissed the anticipatory bail application of the petitioners in the month of September 2025 and that the petitioners are not having any previous cases and already entire quantity of contraband involved in this case has been seized. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent / State reiterated the prosecution case and, upon instructions, submitted that the petitioners are not having any previous cases and further submitted that the occurrence was taken place as early as on 28.07.2025 and so far no one is arrested in this case. However, she opposed to grant anticipatory bail to the petitioners.

5. Considering the nature of allegations levelled against this petitioners



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and though this case was registered in the month of July 2025 and so far no one is arrested and already properties and a car which was used for illegal transportation has been recovered and no previous cases have been registered against the petitioners, I am inclined inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned District Munsif cum Judicial Magistrate, Karimangalam**, on condition that **the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial

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Form No.46 annexed to 'The Criminal Rules of Practice, 2019]. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

- 1.The District Munsif cum Judicial Magistrate, Karimangalam.
- 2.The Inspector of Police, Karimangalam Police Station, Dharmapuri District.
- 3.The Public Prosecutor, High Court of Madras.

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