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CrI.O.P.No.1296 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

CrI.O.P.No.1296 of 2026

Bharat Kumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Melpadi Police Station,
Vellore District.
(Crime No.229 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in event of arrest pending investigation in Crime No.229 of 2024 on the file of the respondent police.

For Petitioner : Mr.Vijaya Sankar
For Respondent : Ms.J.R.Archana,
Government Advocate (CrI.Side)

ORDER

The petitioner apprehends arrest for the alleged offence **under Sections 7(5), 20(2) COTPA Act r/w 123 of BNS Act in Crime No.229 of 2024** on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that that the petitioner joined hands with other accused involved in illegal transportation and possession of 458 kgs of banned tobacco products by using a car. When the police officials



intercepted the vehicle near check post, the petitioner left the vehicle and ran away from the scene of occurrence. The said vehicle with the contraband was seized and no one was arrested in this case. Hence, a case has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and that purely on suspicion, the petitioner has been implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to cooperate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that this case was registered in the year 2024 and so far no one is arrested in this case. The learned counsel further submitted that the investigation in this case is still pending; the property is recovered and the vehicle is also seized with contraband. However, she opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case; taking note of the submissions made on both sides; the nature of allegations levelled against the



petitioner; the case was registered as early as in the month of November 2024 still there is no progress in the investigation, and no one is arrested, the property also recovered, I am inclined to grant anticipatory bail to the petitioner, subject to 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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Katpadi**, on condition that **the petitioner shall execute a 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 petitioner fails to surrender before the concerned 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 Form No.46 annexed to 'The Criminal Rules of

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Practice, 2019]'. The learned Magistrate shall obtain a copy of



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any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three 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.

22.01.2026

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To

- 1.The Judicial Magistrate, Katpadi.
2. The Inspector of Police, Melpadi Police Station, Vellore District.
- 3.The Public Prosecutor, High Court of Madras.

Crl.OP.No.1221 of 2026