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Crl.OP.No.2427 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.2427 of 2026

Kesavan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Vengal Police Station,
Tiruvallur District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail, in the event of arrest in Cr.No.10 of 2026 on the file of the respondent police.

For Petitioner : Mr.K.Prasath

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 123, 275, 276 of BNS, Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Cr.No.10 of 2026 on the file of the respondent police, seeks anticipatory bail.



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2. The allegation against the petitioner is that when the respondent police was on regular patrol, they found that A1 was standing near the Jothi Provisional Shop with illegal possession of 217 pockets of various types banned tobacco products, weighing 2½ kgs, worth about Rs.3,000/-. It is further alleged that the aforesaid banned tobacco products were seized by the respondent. Hence, the case has been lodged for taking action against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is ranked as A2 in this case and no recovery was made from him. Based on the confession of A1, this petitioner was added as an accused in this case. He further submitted that the petitioner is ready to cooperate for the investigation and also ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner herein is ranked as A2 and he is the supplier of the banned tobacco



products. He further submitted he purchased the same from Andra Pradesh at lower cost and supplied it to the A1's shop and sold the same to the local public for his personal gain. He further submitted that the property was recovered, investigation in this case is pending and the petitioner is not having any previous case. Hence, he vehemently opposed the grant of anticipatory bail.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations, the fact that the property was recovered, though investigation is pending in this case, the petitioner is not having any previous case, 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 made, before the learned ***Judicial Magistrate-I, Tiruvallur*** 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 learned Magistrate concerned,



and on further condition that:

(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 Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police daily 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]*;



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

03.02.2026

Vv

To

1. The Judicial Magistrate-I, Tiruvallur
2. The Inspector of Police,
Vengal Police Station,
Tiruvallur District.
- 3.The Public Prosecutor
High Court of Madras, Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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