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Crl.O.P.No.5944 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.5944 of 2026

Prabhakaran

... Petitioner/A2

Vs.

The State rep by
Inspector of Police,
Tittakudi Police Station,
Cuddalore District.
(Crime No.25 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.25 of 2026 on the file of the respondent police.

For Petitioner : Mr.K.Kannan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 123, 275 of the BNS, 2023 r/w Section 24(1) of COTPA Act, 2003** in **Crime No.25 of 2026**, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was on



regular patrol near the bunk shop in Vathistapuram Main Road, based on secret information that Government banned tobacco products like Hans, Vimal Pan masala and V-1 tobacco were being illegally stored and sold at the said bunk shop, the police officials went to the spot and on seeing the police officials, two persons in the bunk shop fled away and hiding. During search, the officials recovered Hans-23 ponch, Vimal pan masala – 50 ponch and V-1 tobacco – 23 ponch of Government banned tobacco products. Hence, the case.

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 he has been falsely implicated in this case. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution's case and, upon instructions, submitted that the petitioner has created a passage in the reserved forest land and when this was questioned and objected by the Forest Department, the petitioner again created a passage by using a bulldozer. Hence, he strongly



opposed to grant anticipatory bail to the petitioner.

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5. Heard the submission made by the learned counsel on either side and perused the materials available on record.

6. From the submission made by the learned Government Advocate (Crl.Side), the A2, who is none other than the mother of the petitioner/A1 who is also the owner of a bunk shop. Though A2 arrayed as an accused she was enlarged on anticipatory bail from the station and it is pertinent to mention that the petitioner's mother/A2 has got one previous case, whereas in the case in hand, the petitioner does not have any previous cases. It is the submission of the learned counsel for the petitioner, that since his mother was enlarged on station bail, his name was also included in the First Information Report. From the submissions made on either side, this Court is of the view that no custodial interrogation of the petitioner is required as the tobacco material has already been recovered. In such view of the position, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory 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, Tittakudi**, 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 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, twice a day at 10.30 a.m., and 5.30 p.m., for a period of eight 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To:

- 1.The Judicial Magistrate, Tittakudi.
- 2.The Inspector of Police, Tittakudi Police Station, Cuddalore District.
- 3.The Public Prosecutor, High Court of Madras.

C.KUMARAPPAN, J.

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