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CRL OP No. 12358 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12358 of 2026

Joseph

..Petitioner(s)

Vs

State rep by, Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
Crime No.253 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to grant Anticipatory Bail in the event of his arrest by the Respondent police in respect of Crime No.253 of 2026 on the file of Respondent Police Station pending investigation and thus render justice.

For Petitioner(s):

Mr.P.Praveen Kumar

For Respondent(s):

Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 274, 275, and 123 of B.N.S. 2023, and Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in connection with Cr. No. 253



of 2026, seeks anticipatory bail.

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2.The case of the prosecution is that on 08.05.2026, the de-facto complainant, who is the Sub-Inspector of Police attached to the respondent police station, conducted a vehicle check-up in the Choolaimedu area. During the check, co-accused Velu (A-1) was found in possession of prohibited tobacco products packed in a gunny bag within his vehicle. The respondent police seized the contrabands, registered the FIR, and subsequently implicated the petitioner herein. Hence, the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and has been falsely implicated in this crime solely based on the confession statement of the co-accused Velu (A-1). He submits that the petitioner has no connection with the seized contraband or the alleged transportation. He further submits that the co-accused has already been arrested and released on bail. While acknowledging that there are three previous cases of a similar nature pending against the petitioner, the learned counsel points out that the petitioner has been granted bail in all those matters. He adds that the petitioner is a permanent resident, the sole breadwinner of his family, and is ready to cooperate with the investigation by complying with any stringent conditions. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the grant of anticipatory bail, highlighting that the petitioner is a repeat offender with three previous cases of a similar nature registered against him. He submits that the investigation is in its initial stage and custody may be required to unearth the supply chain of banned tobacco products. However, he confirms that the co-accused Velu (A-1) has already been arrested and released on bail.

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

6. Considering the rival submissions on either side, the nature of the offences, and the fact that the petitioner has been implicated based on the confession statement of the co-accused, and taking note of the fact that the co-accused has already been released on bail, and despite the three previous cases of a similar nature where the petitioner was already granted bail, I am inclined to grant anticipatory bail to the petitioner by imposing stringent reporting conditions to ensure his cooperation with the investigation.

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 days from the date on which the order copy made ready, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a



bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days, and thereafter as and when required for investigation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S. 2023.

SHA/MKA

13-05-2026



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To:

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai
2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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