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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30838 of 2026

CNR: {HCMA012561862026}

Giribabu
S/o. Kannaiyan,
No.9, Bazzar Street,
Athimancheri,
Thiruvallur.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Kanakammachatram Police Station,
Tiruvallur District,
Crime No.212 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the Petitioner on bail in the event of their arrest in Crime No.212 of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Vijaya Sankar

For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

ORDER

The petitioner, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Sections 123 of BNS Act, 2023 r/w. 24(1) of COTPA Act 2003, r/w. 4(1)(c) of the TNP Act, 1937, in Crime No.212 of 2026, on the file of the respondent Police, seeks anticipatory bail.

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2.The allegations against the petitioner is that the petitioner purchased 10 kgs of Hans (banned tobacco product), 5 bottles of 750ml Andhra Pradesh liquor and 2 bottles of 180 ml Andhra Pradesh liquor, from Andhra Pradesh to sell the same illegally to the public. Hence, the present complaint was registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions imposed by this Court. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the case of the prosecution and, on instructions, submitted that the petitioner was found in possession of banned tobacco products. He further submitted that no previous case is pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the above facts and circumstances of the case, taking into account the submissions made by the learned Government Advocate (Criminal Side), and the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain

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conditions.

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6.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, Tiruttani,** 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 is directed to produce a Demand Draft for a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft to the **Arginar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, Account Name:Tobacco Court Penalty Fund; A/C No.7417027486, IFSC Code – IDIB000K012;**

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Branch:Kancheepuram;

(d) On production of the above Demand Draft, the learned Magistrate is directed to take necessary steps to hand over the same to the concerned Medical Officer. Upon receipt of the said amount, the Medical Officer shall realize and utilize the same strictly in accordance with law for the welfare of the hospital;

(e) The petitioner shall report before the respondent Police daily at 10:30 A.M., for a period of two weeks, and thereafter, as and when required for interrogation;

(f) 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 is 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];***

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

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Judicial Magistrate, Tiruttani.

2. The Inspector of Police
Kanakammachatram Police Station,
Tiruvallur District,
Crime No.212 of 2026.

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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