

(2025) 10 MAD CK 1493

In the Madras High Court

Case No : Criminal Original Petition No. 28470 Of 2025

Selvaraj

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 17-10-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 123, 269, 274, 275
Cigarettes And Other Tobacco Products (Prohibition Of advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003-SW Section 24(1)

Citation : (2025) 10 MAD CK 1493

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : R.Thamaraiselvan, S.Udayakumar

Judgement

K. Rajasekar, J

1. The petitioner, who apprehends arrest for the alleged offence punishable Sections 274, 275 and 123 of BNS Act, 2023 r/w 24(1) of COTPA Act in Crime No.170 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of prosecution is that the respondent police went to the scene of occurrence and found A1 to A5 with illegal possession of 15 bundles of HANS (50 pockets in each), COOL LIP 26 pockets, VIMAL PAN MASALA and 126 pockets of VI TOBACCO. Pursuant to their confession, the petitioner herein was found to be in possession of 245 kgs of banned tobacco products along with other accused. Hence this case.

3. The learned counsel appearing for petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner has arrayed as A6 and no previous case is pending against the petitioner and almost all the arrested accused were released on bail

in CrI.O.P.Nos.27080, 27268, 27438 of 2025 and one of the co-accused also granted anticipatory bail in CrI.O.P.No.27293 of 2025 and the contraband is recovered. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that no previous cases is pending against the petitioner and I have also gone through the order passed by this Court in CrI.O.P.Nos.27080, 27268, 27438 & 27293 of 2025 dated 03.10.2025 and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 of receipt of a copy of this order before the learned Judicial Magistrate - I, Chidambaram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for the period of three weeks and thereafter as and when requires for interrogation until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.