



CRL OP(MD). No.22962 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.22962 of 2024

Thangamani

... Petitioner/ Accused No.4

Vs

State of Tamil Nadu

Rep. By The Inspector of Police,
Achanpudur Police Station,
Tenkasi.

(Crime No.286/2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Dinesh
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.286 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the



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respondent for the offences punishable under Section 123 of BNS, 2023 and Section 6(b), 24(1) of Cigarette and other Tobacco Products Act 2003, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.12.2024, the secret information received by the police, the accused No.1 along with other 2 other persons came in Innova car bearing Registration No.KL-04-S-4500 and on investigation they were found in possession of prohibited tobacco products weighing 42.870 kgs worth about Rs.31,656/- and the same was recovered from the accused. While so, on their confession alleging that this petitioner is the one, who had helped them to transport from Kerala. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner/accused No.4 is innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution. Based on the confession statement of the other co-accused, this petitioner has been arrayed as an accused in this case.

4. The learned Government Advocate (Crl. Side) fairly submits that on



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08.12.2024, the secret information received by the police, the accused No.1 along with other 2 other persons came in Innova car bearing Registration No.KL-04-S-4500 and on investigation they were found in possession of prohibited tobacco products weighing 42.870 kgs worth about Rs.31,656/- and the same was recovered from the accused. While so, on their confession alleging that this petitioner is the one, who had helped them to transport from Kerala and one previous case is pending against the petitioner and A2 and A3 have been arrested and still in custody and A1 was arrested today(27.12.2024). However, he opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner, this petitioner was arrayed as accused only based on the confession statement of the co-accused and also the prime accused has been already secured by the police, though the petitioner has one previous case and already bail was granted in that case, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on



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condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)

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with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Shenkottai, Tenkasi District and on further conditions that:

[b] the petitioner shall report before the Inspector of Police, Sankarankovil Police Station, Tenkasi District, daily at 10.00 a.m. for a period of 30 days, and thereafter as and when required for the interrogation.

[c] the petitioner shall not commit any offences of similar nature.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



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

sd/-
27/12/2024

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/01/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR

TO

- 1 THE JUDICIAL MAGISTRATE
SHENKOTTAI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
SANKARANKOVIL POLICE STATION,
TENKASI DISTRICT.



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ORDER
IN
CRL OP(MD) No.22962 of 2024
Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023