



CRL OP(MD). No.662 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.662 of 2025

Jayakumar

... Petitioner/ Accused No.3

Vs

State of Tamil Nadu,
Rep. by The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
(Crime No.488 of 2024).

... Respondent/ Complainant

For Petitioner : Ms.S.Prabha,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.488 of 2024 on the file of the Respondent Police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.662 of 2025

WJ 662 PM
ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 08.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS) and Sections 7(i) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.488 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 25.08.2024 at about 5.00 a.m., when the respondent police was conducting inspection on the State Bank Colony road, Karikadu, the police found that the petitioner and other two accused persons were in possession of banned tobacco products in 11 gunny bags and cool lib in 4 gunny bags, totalling 596 kgs., in Hundai Venue, bearing Registration No.TN-23-DX-2444 and Maruti Suzuki EECO bearing Registration No.TN-49-CV-7251. On seeing the police fled from the scene of occurrence. A1 was arrested. Based on his confession, the other accused person have been arrayed as



CRL OP(MD). No.662 of 2025

accused. The petitioner has been arrayed as A3. Other accused persons are residents of Rajasthan. Hence, the case.

4. Ms.S.Prabha, learned counsel appearing for the petitioner submits that this is the fourth pre-arrest bail application. He further submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implication in this case. She further submits that the petitioner has no previous case. Accordingly, she prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner was involved in the commission of the offence of illegally transporting banned tobacco products from Rajasthan with the assistance of other accused persons and selling them in Tamil Nadu. He therefore, strongly opposes to grant pre-arrest bail to the petitioner.

6. Heard on both sides. This Court has perused the records. The police seized the tobacco products and the vehicles.

7. This is the fourth pre-arrest bail application. The petitioner has no previous case. A1, who was arrested in this case, was released on bail by this Court in Crl.O.P.



CRL OP(MD). No.662 of 2025

(MD)No.20127 of 2024 *vide* order dated 20.11.2024. Considering the same and also considering the facts and circumstances of the case and considering the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Pattukottai, Thanjavur, within a period of 15 days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate, Pattukottai, Thanjavur. Among the two sureties, one shall be a blood surety;

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police daily at 10.00 a.m., until further order;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to The Criminal Rules of Practice, 2019]. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to



CRL OP(MD). No.662 of 2025

the learned Judicial Magistrate, Pattukottai, Thanjavur;

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(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Pattukottai, Thanjavur, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
13/02/2025

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

APD

TO

1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI THANJAVUR



CRL OP(MD). No.662 of 2025

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PATTUKKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.662 of 2025

Date :13/02/2025

SS/SKN/SAR-I /19/02/2025/ 6P/5C

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