



CRL OP(MD) No.1693 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.1693 of 2025

Pavithra

... Petitioner/ A8

Vs

State of Tamil Nadu,
rep. by its the Inspector of Police,
K.Pudhur Police Station,
Madurai District.
Crime No.630 of 2024

... Respondent/ Complainant

For Petitioner : Mr.Subash Babu
Senior Counsel
for Mr.C.Deepakkumar, Advocate

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.630 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 27.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita praying to grant an order of pre-arrest bail.

2. The petitioner/A8 apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 274 and 123 of BNS and Section 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.630 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 24.12.2024, at about 23:15 hours, while the respondent-police were conducting a vehicle check-up, they intercepted a BOLERO PICKUP bearing Registration No.TN-93-E-8664 and a TATA ACE GOLD bearing Registration No.TN-93-C-0428, in which 1000 bundles, each containing 15 Nos. of Ganesh Tobacco Products, were found. The vehicles and tobacco products were seized from one Palanisamy (A1). Thereafter, based on the confession statement of A1, on 25.12.2024 at about 02:45 hours, the respondent-police went to Melur, where they found a Swift Car bearing Registration No.TN-93-F-9762.

On seeing the police, the accused person in the car fled away from the scene, leaving

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the car behind. The respondent-police further found that A3 and A4 were in possession of 3250 bundles, each containing 15 Nos. of Ganesh Tobacco Products, 560 bundles, each containing 8 Nos. of Cool Lip Tobacco Products, 800 bundles, each containing 30 Nos. of Vimal Panmasala Tobacco Products, and 800 bundles of V1 Panmasala Tobacco Products in a Eachor Lorry bearing Registration No.KA-04-AB-5492. All the tobacco products and vehicles were seized by the police, and the accused persons present at the scene of occurrence were arrested. On investigation, the petitioner has been arrayed as A8 in this case.

4. Mr.Subash Babu, the learned Senior Counsel appearing for petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays to grant pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side), appearing for the respondent-police, submits that a huge quantity of tobacco products has been transported in this case, and the investigation is yet to be completed. He therefore strongly opposes the grant of pre-arrest bail to the petitioner.



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6. Heard on both sides. This Court has perused the records.

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7. Considering the overt act of the petitioner/A8, this Court is of the view that the custodial interrogation of the petitioner is not necessary in this case. Considering the fact that the petitioner is a woman and has permanent residence and hence, there is less possibility of absconding and with a view to give an opportunity to the petitioner to reform herself, 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 her arrest or in the event of her surrender before the learned Judicial Magistrate No.VI, Madurai, within a period of 15 days from the date on which the order copy is made ready, 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 learned Judicial Magistrate No.VI, Madurai;

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



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(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 her residential address and mobile number to the learned Judicial Magistrate No.VI, Madurai;

(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 Magistrate 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/
12/02/2025

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12/02/2025
Sub-Assistant Registrar (WRITS)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

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TO
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- 1.THE JUDICIAL MAGISTRATE NO.VI, MADURAI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :12/02/2025

RK (12/02/2025) 6P / 5C

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