



CRL OP(MD). No.2228 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Rajkumar
2.Karthickraja

... Petitioners/ Accused

Vs

State of Tamil Nadu,
Rep by the Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
Crime No.149 of 2024

... Respondent/ Complainant

For Petitioners : Mr.M.Prabu

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.149 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 petitioners on 31.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS) Act, 2023 and Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.149 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 06.10.2025 at about 06.00 a.m., while the defacto complainant and other Police personnel were on patrolling duty, they found the petitioner and another standing near a two wheeler, in which, they found and seized the banned tobacco products. The petitioner and another person flew away from the scene of occurrence. Hence, the case.

4. Mr.M.Prabhu, learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. The respondent Police has implicated the petitioners in this case falsely. The petitioners are law abiding citizens and they are ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side)



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appearing for the respondent Police submits that the petitioner illegally transported 59 kg of banned tobacco products and flew away from the scene of occurrence. Accordingly, he prayed to dismiss this Criminal Original Petition.

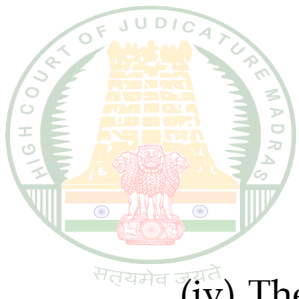
6. Heard on both sides. This Court has perused the records.

7. The petitioner is a first offender. With a view to grant one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Sattur, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the concerned Judicial Magistrate.

(ii) Thereafter, the petitioners shall appear and sign before the concerned Judicial Magistrate daily at 10.30 a.m. and 05.30 p.m. until further orders;

(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;



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(iv) The petitioners shall furnish their residence address and mobile number to the concerned Judicial Magistrate.

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

(vi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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/-
04/02/2025

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

MBI

TO

1 THE JUDICIAL MAGISTRATE NO.II
SATTUR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2228 of 2025
Date :04/02/2025

SS/SKN/SAR- /18/02/2025/ 5P/5C

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