



CRL OP(MD) No.2327 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2327 of 2025

1. Balamurugan

2. Karthikeyan

3. Nagenthiran

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
South Gate Police Station,
Madurai City.
(In Crime No. 29 of 2025.)

... Respondent/Complainant

For Petitioners : Mr.S.Srikanth, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 29 of 2025 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 04.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners / Accused Nos.1 to 3 were arrested and remanded to judicial custody on 19.01.2025 for the alleged offences punishable under Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of Cigarette and Other Tobacco Product Act, 2003 in Crime No.29 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 18.01.2025, at about 07:15 p.m., near Thevar Cycle Shop on Kaja Street, South Gate, Madurai, the defacto complainant, who is the Inspector of Police, along with his police team, was conducting a vehicle check-up. During the inspection, they intercepted a two-wheeler bearing Registration No. TN-58-BL-5933, which was being ridden by Accused Nos.1 and 2. At that point of time, the police noticed that Accused Nos.1 and 2 were transporting 40 packets of prohibited tobacco products. The police team arrested Accused Nos.1 and 2 and seized the prohibited tobacco products from them. Based on the confession statement given by Accused Nos.1 and 2, the police team proceeded to another location, where they arrested Accused No.3 and recovered 1,251 packets of



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various brands of prohibited tobacco products, along with a four-wheeler and a cell phone from him. Subsequently, they also arrested Accused No. 4. Hence, the complaint.

4. Mr.S.Srikanth, learned counsel appearing for the petitioners, submitted that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been in judicial custody since 19.01.2025 and that they are ready to abide by any conditions to be imposed by this Court and prays for granting bail to the petitioners. He would further submit that Accused No.4 was granted bail by this Court in Crl.O.P.(MD).No.1935 of 2025 by an order dated 31.01.2025.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, would submit that the banned tobacco products and alleged vehicle have been recovered from the accused persons. He would further submit that there is no previous case pending against the first petitioner, there are two previous cases pending against the second petitioner and there is one previous case pending against the third petitioner. Hence, he vehemently opposed the grant of bail to the petitioners.

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

7. The petitioners were arrested on 19.01.2025 and they have been in judicial



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custody from 19.01.2025. On perusing the records, it reveals the fact that the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. With a view to give one more opportunity to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for 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 learned Judicial Magistrate No.IV, Madurai;

(ii) 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 No.IV, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.IV, Madurai, on all working days at 10.30 a.m., until further orders;

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



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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.IV, Madurai 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/-
06/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Judicial Magistrate No.IV,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
South Gate Police Station,
Madurai City.



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4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.2327 of 2025
Date :06/02/2025

ED/ /SAR- (06/02/2025) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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