



CRL OP(MD). No.2425 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Dinesh Kumar,
S/o. Vaga Ram,
No. 9, Periyakadai Veethi,
Arasamaram,
Dindigul- 624 002.

... Petitioner/ Accused Rank not known

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
Crime No. 263/2024.

... Respondent/Complainant

For Petitioner : Mr.A. Mohamed Riyaz,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory bail in Crime No. 263 of 2024 on the file of the
Respondent Police.

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



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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 05.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, 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 281, 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 r/w Sections 6 (a) and 24(1) of Cigarette and Other Tobacco Product Act, 2003 in Crime No.263 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 25.08.2024, at about 10.00 a.m., near Azhagusamuthirappti junction, the defacto complainant, who is the Sub-Inspector of Police, along with his police team, was conducting a vehicle check-up. During the inspection, one Jeyapandi, son of Selvaraj, a resident of Mettupati, Ottanchathiram Taluk, Dindigul District, informed the respondent police that while he was coming near Bhuvaneshwari Mill in his car, an Innova car bearing registration number KA 43 M 3636 was driven in a rash and negligent manner and collided with the rear of his car. The driver of the Innova car fled the scene. Subsequently, the respondent police proceeded to the location and discovered that the said Innova car was carrying banned tobacco products weighing a total of 393 kilos and 348 grams worth about Rs.2,68,530/-. The accused fled away from the place. The police then secured the car



and seized the contraband items. Hence, the complaint.

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4. Mr.A.Mohamed Riyaz, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that a false case has been registered against the petitioner. He further submits that he is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that there is no previous case against the petitioner and no one has been injured in this case. He further submits that the contraband seized by the respondent Police is of a larger quantity and is worth approximately Rs.2,62,536/-. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

6. The petitioner has permanent residence. Taking note of the fact that the prohibited tobacco products and the alleged car have been seized by the respondent-Police and the petitioner is the first offender and with a view to give one more opportunity to the petitioner to reform himself in the society, 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 No.II, Dindigul, within



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a period of fifteen 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.II, Dindigul ;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.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 No.II, Dindigul, 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 the learned Judicial Magistrate No.II, Dindigul;

(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 No.II, Dindigul 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].



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

sd/-
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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.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2425 of 2025
Date :07/02/2025

SA/SKN/SAR.2 /19.02.2025/5P/5C

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