



CRL OP(MD). No.2770 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2770 of 2025

Vijay @ Vijaykumar

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police,
Natham Police Station,
Dindigul
(Crime No.692 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.N.Jeyaram Sidharth, Advocate.

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

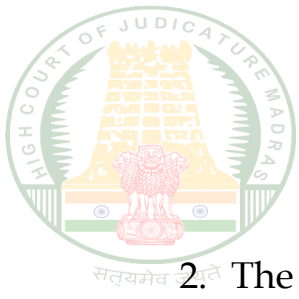
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 692 of 2024 .on the file of the respondent police

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



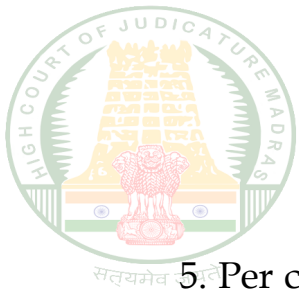
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2. The petitioner / accused No.2 apprehends arrest at the hands of the respondent-police for the offence punishable under Sections 6(a), 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of BNS, in Crime No.692 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that based on secret information, on 28.12.2024, at about 13:00 hours, the defacto complainant, the Sub-Inspector of Police, along with his team, went to the shop of A1 for inspection. At that time, the police found that A1 was in illegal possession of 10 packets of banned tobacco products, and A1 was arrested. On inspection, it was revealed that the petitioner (A2) had purchased the banned tobacco products from Bangalore, and both the petitioner (A2) and A1 sold them to the public. Based on the confession of A1, the police went to a mango garden near the Komanampatti-Kavarayapatti Road, leased by A1, where they found that the accused persons had hidden 211.401 kgs of banned tobacco products worth about Rs.1,45,320/-, which were seized. Hence, the case.

4. Mr.N.Jeyaram Sidharth, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner. He further submits that based on the A1's confession, the respondent officials searched the place where the petitioner / A2 and A1 had been hidden the banned Tobacco products and seized 211.401 Kgs of banned Tobacco products and therefore, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that there are no previous cases against the petitioner and hence, with a view to give an opportunity to reform himself, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Natham within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) along with two



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sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the said Magistrate.

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(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

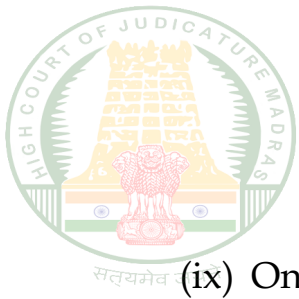
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the previous permission of the Court.

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

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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/-
14/02/2025

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

TRP
TO

1 THE JUDICIAL MAGISTRATE,
NATHAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL.

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



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ORDER

IN

CRL OP(MD) No.2770 of 2025

Date :14/02/2025

RS/SKN/SAR-(26.02.2025) 6P 5C

Madurai Bench of Madras High Court is issuing
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