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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2858 of 2025

Rajesh

... Petitioner / sole accused

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Panagudi Police Station,  
Panagudi.  
Thirunelveli District.  
(Crime No.104 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the  
petitioner in Crime No.104 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Palani Velayutham, Advocate

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



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / sole accused apprehends arrest at the hands of the respondent police for the offence punishable under Sections 24(1) of COTPA r/w. 123 BNS, in Crime No.104 of 2025 on the file of the respondent-police.

3.The case for the prosecution is that on 25.01.2025, at about 15:00 hours, the defacto complainant, the Sub-Inspector of Police, along with his team, was on patrol duty when the petitioner was seen driving a vehicle bearing Registration No.TN-75-Y-7998. On noticing the police, the petitioner stopped the vehicle and fled the scene, leaving the vehicle behind. On searching the vehicle, the police found that it contained banned tobacco products weighing a total of 185.91 kg [750 packets of 225 gm + 200 packets of 75 gm + 200 packets of 10.8 gm], valued at about Rs.1,20,000/- [Rs.90,000 + Rs.24,000 + Rs.6,000]. The police seized both the banned tobacco products and the vehicle. Hence, the case.



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4. Mr.S.Palani Velayutham, 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 a false case has been foisted against the petitioner. He further submits that the petitioner is not the owner of the vehicle. 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is one previous case pending against the petitioner, which is also similar in nature and the contraband recovered is worth about Rs.1,20,000/-. Therefore, he contends that, if the petitioner is granted pre-arrest bail, there is possibility of committing similar offences in future and causing threat to the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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7. The petitioner has one previous case. A large quantity of 185.91 kgs of of banned Tobacco products has been recovered from the vehicle driven by the petitioner. In view of the antecedents of the petitioner, this Court is of the view that if the petitioner is released on pre-arrest bail, he will commit the similar nature of offence again and thereby, cause much injury to the general public and public health. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-  
17/02/2025

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/03/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

trp

TO

1 THE INSPECTOR OF POLICE,  
PANAGUDI POLICE STATION,  
PANAGUDI, TIRUNELVELI DISTRICT.



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

ORDER  
IN  
CRL OP(MD) No.2858 of 2025  
Date :17/02/2025

ES/SKN/SAR /03.03.2025/5P/3C

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