



CRL OP(MD). No.2941 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2941 of 2025

Lakshmanan,
S/o. Srirangam,
Door No. 184, VOC Nagar,
Rajapalayam,
Virudhunagar District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
Crime No. 95/2025.

... Respondent/Complainant

For Petitioner : Mr.S.Suresh Manickam, Advocate
for R.J.Karthick,
Advocate.

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



CRL OP(MD). No.2941 of 2025

WEB COPY

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.95 of 2025 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 13.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Sole Accused was arrested and remanded to judicial custody on 06.02.2025 for the offences punishable under Section 123 of the Bharatiya Nyaya Sanhita, (BNS), 2023 r/w Sections 24(1) and 6(b) of Cigarette and other Tobacco Products Act, 2003 in Crime No.95 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 06.02.2025, at about 02:00 p.m., near VOC Nagar, Rajapalayam, based on secret information, the defacto complainant, who is the Sub-Inspector of Police, along with his police team, was on patrol duty. At that time, the petitioner was standing in front of his house, situated at VOC Nagar, Rajapalayam. On suspicion, the respondent-police enquired the petitioner and searched his house. On search, they found that the petitioner was in illegal possession



CRL OP(MD). No.2941 of 2025

of 37 kgs of banned tobacco products worth about Rs.34,960/-. Thereafter, the respondent-police arrested the petitioner and seized the banned tobacco products from him. Hence, the complaint.

4. Mr.S.Suresh Mancikam, 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 foisted against the petitioner. He however submits that he is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that The petitioner was in possession of a large quantity of 37 kgs of banned tobacco products and that there are no previous cases against the petitioner. However, he vehemently opposes the grant of bail to the petitioner.

6. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the fact that the prohibited tobacco products has been seized by the



CRL OP(MD). No.2941 of 2025

respondent-Police and that the petitioner is the first offender and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the satisfaction of the learned Judicial Magistrate, Rajapalayam;

(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, Rajapalayam shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;



CRL OP(MD). No.2941 of 2025

WEB COPY

(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 or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Rajapalayam;

(vii) The petitioner shall appear and sign before the learned Judicial Magistrate, Rajapalayam, on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Rajapalayam, 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].



CRL OP(MD). No.2941 of 2025

WEB COPY

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

sd/-

17/02/2025

/ TRUE COPY /

17/02/2025

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

TSG

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-1712[I] dated 17/02/2025)



WEB COPY



CRL OP(MD). No.2941 of 2025

ORDER
IN
CRL OP(MD) No.2941 of 2025
Date :17/02/2025

SS/SAR- /17/02/2025/ 7P/7C

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