



CRL OP(MD). No.3139 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3139 of 2025

1. V.Palanichamy

2. D.Sakthivel

3. G.Sathish Nayak

... Petitioners/ A1, A2 & A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
K.Pudur Police Station,
Madurai City.
Crime No. 630/2024.

... Respondent/Complainant

For Petitioners : Mr.Mohammed Farook.H,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS



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WH PRAYER:-Y

For Bail in Crime No.630 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 petitioners on 17.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/A1, A2 and A4 were arrested and remanded to judicial custody on 25.12.2024 for the alleged offences punishable under Sections 274 and 123 of BNS and Section 24(1) of Cigarettes and Other Tobacco Products Act, 2003, in Crime No.630 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that on 24.12.2024, at about 23:15 hours, based on information, when the respondent-police were conducting a vehicle check on Melur Main Road, they intercepted two vehicles, namely a Bolero Pickup bearing Registration No.TN-93-E-8664 and a TATA ACE Gold bearing Registration No.TN-93-C-0428. On inspection, it was found that A1 and A2 were transporting 1,000 bundles of prohibited Ganesh Tobacco Products in the said vehicles. Following their



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confession, it was revealed that A5 used to purchase the tobacco products wholesale from the Bangalore and sell them through A1 and A2 throughout Madurai. The respondent-police seized the aforementioned vehicles along with the tobacco products. As per the confession statement of A1, on 25.12.2024, at about 02:45 a.m., the respondent-police rushed to Thumbaipatti, where a Swift car bearing Registration No.TN-93-F-9762 and an Eicher Container Lorry bearing Registration No.KA-04-AB-5492 were parked. On seeing the police, A5 fled from the location, while A3 and A4 were arrested. On searching the vehicles, the police found 3,250 bundles of Ganesh brand tobacco products, 560 bundles of Cool Lip, 80 bundles of Vimal Panmasala, and 8,000 bundles of VI Panmasala. The respondent-police also seized the same. The total weight of the tobacco products recovered from the arrested accused persons is 1,200 kg. Hence, the case.

4. Mr.H.Mohammed Farook, the learned counsel appearing for the petitioners, submits that the petitioners have been falsely implicated in this case and the petitioners did not commit any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 25.12.2024. He therefore prays to grant bail to the petitioners.



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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that one case is pending against the third petitioner, which is similar in nature. He further submits that first and second petitioners are owner of the vehicles and there is no previous case pending against them. He further submits the petitioners were part of a large ganja-selling syndicate. He therefore submits that if the petitioners are enlarged on bail, they will commit a similar offence again, cause threat to the witnesses and also tamper with evidence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. As far as the third petitioner is concerned, he has one previous case, which is similar in nature, and hails from Karnataka State. Therefore, this Court is of the view that if the third petitioner is enlarged on bail, there is much possibility of him absconding. Hence, this Court is not inclined to enlarge the third petitioner on bail. Accordingly, this Criminal Original Petition is dismissed as against the third petitioner.



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8. The first and second petitioners were arrested on 25.12.2024 and are still in judicial custody. They have permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and taking note of the fact that the first and second petitioners have no previous case and with a view to give an opportunity to the first and second petitioners to reform themselves, this Court is inclined to grant bail to the first and second petitioners, however, subject to certain conditions. Accordingly, bail is granted to the first and second petitioners subject to the following conditions:

(i) The first and second 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.VI, 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.VI, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;



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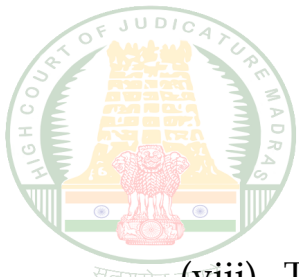
(iii) The first and second petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The first and second petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

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

(vii) The first and second petitioners shall furnish their residential address and mobile number to the concerned Judicial Magistrate;



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(viii) The first and second petitioners shall appear and sign before the concerned Judicial Magistrate, on all working days, at 10.00 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned said Judicial Magistrate No.VI, Madurai is entitled to pass appropriate orders against the first and second petitioners 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].

9. Accordingly, this Criminal Original Petition is allowed as far as the first and second petitioners are concerned subject to the conditions stated supra and this Criminal Original Petition is dismissed as far as the third petitioner is concerned.

Sd/-
21/02/2025

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21/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp



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TO मेव जयते

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- 1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.H.MOHAMMED FAROOK, Advocate (SR-1945[I] dated 21/02/2025)

ORDER IN
CRL OP(MD) No.3139 of 2025
Date :21/02/2025

ES/SAR /21.02.2025/8P/7C

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