



CRL OP(MD). No.3136 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3136 of 2025

Rajesh @ Rajeshkumar

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thanjavur Town East Police Station,
Thanjavur City.
Crime No.923 of 2024.

... Respondent/Complainant

For Petitioner : Mr.V.Sasi Kumar, 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.923 of 2024 on the file of the Respondent-Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 5, 7(1), 24(1) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.923 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 30.10.2024, at about 14:00 hours, when the defacto complainant, along with his team, was patrolling near Rathimeena Parcel Service, Gandhiji road, Thanjavur, they found that the other accused person/Accused No.1 was in illegal possession of 117 kgs of banned tobacco products. A1 was arrested and the tobacco products were seized. Based on his confession of A1, the petitioner has been arrayed as A2 in this case. Hence, this case.



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4. Mr.V.Sasi Kumar, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has no previous case and he has been falsely implicated in this case. He further submits that Accused No.1 was already arrested and released on bail by this Court in Crl.O.P.(MD) No.20052 of 2024, on 03.12.2024. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the other accused person/Accused No.1 confessed that the petitioner was also involved in selling the banned tobacco products and based on his confession, the petitioner has been implicated in this case. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has no previous case and the banned tobacco products were also seized by the respondent-police. Considering the same and considering the facts and circumstances of the case and also considering the fact that the Accused No.1 was already released on bail and with a view to give an opportunity to the petitioner



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to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

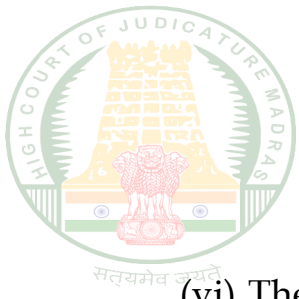
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Thanjavur, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty 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.I, Thanjavur;

(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.I, Thanjavur, 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.I, Thanjavur;

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



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(vi) 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;

(vii) The petitioner shall not leave India without previous permission of the Court;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Thanjavur, 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/-
19/02/2025

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

APD

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- 1 THE JUDICIAL MAGISTRATE NO.1
THANJAVUR
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2 CC to M/s.V.SASI KUMAR, Advocate (SR-1898[I] dated 20/02/2025)

ORDER
IN
CRL OP(MD) No.3136 of 2025
Date :19/02/2025

SS/SKN/SAR- /28/02/2025/ 6P/7C

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