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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.3303 of 2025

1.Riyaz

2.Jafar Sathik

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.8/2025

... Respondent/Complainant

For Petitioners : Mr.A.Arun Prasad,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.8/2025 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 19.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 25.01.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita, 2023 r/w. Sections 6(a), 6(b), 7(2), 7(5) and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.8 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 24.01.2025, at about 5:30 p.m., when the respondent-police were on patrol duty near EB Office at Avarampatti, they found that the accused persons were in possession of banned tobacco products i.e., 10 bags of Hans, 22 bags of Coolip and 1 bag of Vimal. Hence the case.

4. Mr.A.Arun Prasad, 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 25.01.2025. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays to grant bail to the petitioners.

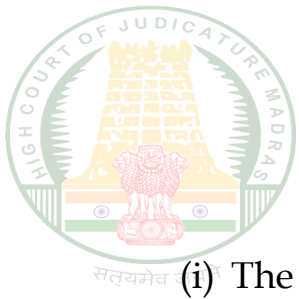


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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that it is the second bail petition of the petitioners and the earlier bail petition in Crl.O.P(MD).No.2167 of 2025 filed by the petitioners before this Court was dismissed on 03.02.2025. He further submits that the investigation in this case has already been completed and the charge sheet was filed through E-Filing before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District. He further submits that the petitioners have no previous case. He further submits that if the petitioners are enlarged on bail, they will commit a similar offence again. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 25.01.2025 and are still in judicial custody. The petitioners have permanent residence and deep roots in the Society. 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 petitioners have no previous case and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:



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(i) The 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, Thiruvaiyaru, Thanjavur;

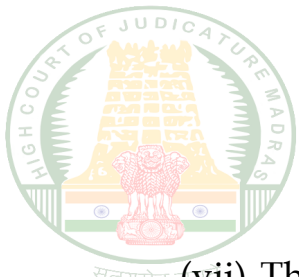
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Thiruvaiyaru, Thanjavur shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The 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 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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



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

(viii) The 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, Thiruvaiyaru, Thanjavur is entitled to pass appropriate orders against the 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].

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

Sd/-
21/02/2025

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

trp
TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.



3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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4 THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION, THANJAVUR DISTRICT.

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

ORDER IN
CRL OP(MD) No.3303 of 2025
Date :21/02/2025

ES/SAR /21.02.2025/6P/6C

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