



CRL OP(MD). No.3435 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3435 of 2025

Sulthan,
S/o.Naththarsha,
No.43, TVKK Nagar,
Bodinayakkanur,
Theni District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Bodi Town Police Station,
Theni District.
Crime No. 17/2025.

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER:-

For Bail in Crime No.17 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 20.02.2025 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 13.01.2025 for the offences punishable under Sections 275 and 123 of BNS, 2023 and Sections 6 and 24(1) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.17 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.02.2025, at about 14:00 hours, based on secret information, the respondent-police conducted a raid at the petitioner's petty shop at Mango Market, Bodinayakanur. During the raid, the respondent-police found that the petitioner was in illegal possession of 1.629 kg of banned tobacco products worth about Rs.1,640/-. The respondent-police then seized the banned tobacco products and arrested the petitioner. Hence, the case.



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4. Mr.J.Sulthan Basha, the learned counsel appearing for the petitioner, submits that a false case has been foisted against the petitioner and the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 13.01.2025. He therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is the sole accused in this case. He further submits that there are two previous cases against the petitioner, which are similar in nature and ended in conviction. He further submits that if the petitioner is enlarged on bail, he will commit a similar offence again, which could result in harm to public health. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 13.01.2025. 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



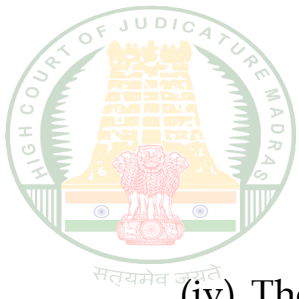
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period of incarceration and considering the fact that the petitioner is running a petty-shop and taking note of the fact that the petitioner has two previous cases and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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, Bodinayakanur;

(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, Bodinayakanur 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;



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(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;

(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, Bodinayakanur;

(vii) The petitioner shall appear and sign before the learned Judicial Magistrate, Bodinayakanur 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, Bodinayakanur, 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].



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

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24/02/2025

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

TSG

TO

1 THE JUDICIAL MAGISTRATE
BODINAYAKANUR

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THENI.

4 THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2024[I] dated 24/02/2025)



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ORDER
IN
CRL OP(MD) No.3435 of 2025
Date :24/02/2025

SS/SAR- /21/02/2025/ 7P/7C

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