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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).3747 of 2025

1.Suresh @ Palanikumar

2.Pandikannu

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.28 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioners in Crime No.28 of 2025 on the file of the respondent-police.

For Petitioners : Mr.D.R.Murugesan,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 25.02.2025



under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners were arrested and remanded to judicial custody on 22.01.2025 for the alleged offences punishable under Sections 275, 123 of BNS and Sections 7(1) and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.01.2025, based on the secret information, the respondent-police conducted a search and found that the petitioners were found in possession of 14.670 kg of banned tobacco products worth of Rs.6,840/- in their petty shop for illegal sale. Hence, the case.

4. Mr.D.R.Murugesan, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 22.01.2025. He further submits that a false case has been foisted against the petitioners. He further submits that there are no previous cases against the petitioners. He, however, submits that the petitioners are ready to abide by any



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stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners were found in possession of 14.670 kg of banned tobacco products in their petty shop, selling the same and thereby, caused injury to general public and public health system. He further submits that if bail is granted to the petitioners, they may cause threat to the welfare of the society by selling banned tobacco products. Therefore, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners were arrested and have been in incarceration since 22.01.2025. The petitioners have permanent residence. Therefore, there is less possibility of absconding. Considering the same and also considering the fact that there are no previous cases against the petitioners and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioners, however, subject to the following conditions:



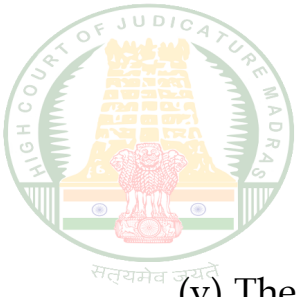
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(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the learned District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District, on all working days at 10.30 a.m. until further orders.

(iv) The petitioners shall appear on all hearing dates before the learned District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District, when the Court requires their appearance.



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

(vi) The petitioners shall not commit an offence similar to the offence of they are accused, or suspected, of the commission of which they are suspected.

(vii) 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioners shall also not directly or indirectly, cause any threat to the witnesses.

(ix) The petitioners shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court is entitled to pass appropriate orders against the petitioner



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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/-
27/02/2025

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27/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAVURANI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.



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

ORDER
IN
CRL OP(MD) No.3747 of 2025
Date :27/02/2025

SS/SAR- /27/02/2025/ 7P/6C

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