



CRL OP(MD). No.3760 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3760 of 2025

Mohammed Abufakkar

... Petitioner/Unnamed Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
Crime No.27 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Sivaprakash

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2025 on the file of the respondent-police.

<https://www.mhc.tn.gov.in/judis> ORDER : The Court made the following order :-



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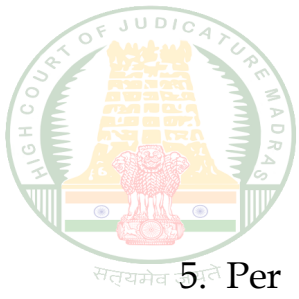
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This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 123 and 62 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.27 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 20.02.2025, at about 23.00 hours, respondent-Police proceeded to the spot and found banned Tobacco Products totally weighing 150 kg and 5 gm in a omni van bearing Registration No.TN 65 P 9841 and a Scooty bearing Registration No.TN 65 BA 4370. Based on confession statement of one Malairaja, petitioner was arrested. Hence, the case.

4. Mr.S.Sivaprakash, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.



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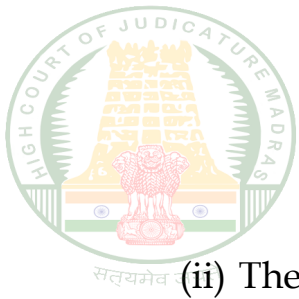
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner has two previous cases, which are similar in nature and therefore, if pre-arrest bail is granted to the petitioner, he will commit similar offence and endanger the health of the public. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offences allegedly committed by the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the same and with a view to give one more opportunity to the petitioner 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, Ramanathapuram District, 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, Ramanathapuram District;



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

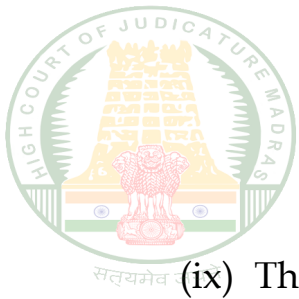
(iv) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

(vi) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Head Master, Government Higher Secondary School, Sathirakudi, Ramnad District (A/c. No.11555089384, IFSC Code:SBIN0002268);

(vii) Thereafter, the petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Ramanathapuram District;



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

(x) On breach of any of the aforementioned conditions, concerned Magistrate, 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 them 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.

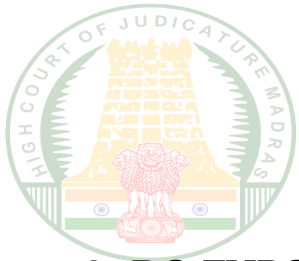
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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

1 THE JUDICIAL MAGISTRATE NO I
RAMANATHAPURAM DISTRICT.



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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-2911[I] dated 17/03/2025)

ORDER
IN

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Date :14/03/2025

HPS/SAR / 28.03.2025/6P/6C

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