



CRL OP(MD) No.3859 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3859 of 2025

Mohandoss,
S/o. Thomotharan,
No. 224, Thirumalairayasamuthiram,
Karaikudi,
Pudukottai District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ponnamaravathy Police Station,
Pudukottai District.
(Crime No. 31 of 2025).

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
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.31 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 26.02.2025 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 17.02.2025 for the offences punishable under Sections 275 and 123 of the Bharatiya Nyaya Sanhita, (BNS), 2023 r/w Sections 6(a) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.31 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 17.02.2025, at about 04.00 p.m., near Aalavayal Mukkam, Ponnamaravathy, based on secret information, the defacto complainant, who is the Sub-Inspector of Police, along with his police team, was conducting a vehicle check-up. At that time, they intercepted a two-wheeler bearing Registration No.TN-55-BD-6090, which was being ridden by the petitioner. At that point of time, the police noticed that the petitioner was transporting banned tobacco products, i.e. 35.700 kgs of hans packets, 11.491 kgs of cool lip packets, 6.975 kgs of Ganesh brand tobacco, 3.150 kgs of Vimal pan masala and 636 gms of VI tobacco, totally weighing 57.952 kgs, worth about Rs.47,886/-. The police team arrested the petitioner and seized the prohibited tobacco products and the alleged vehicle from



him. Hence, the complaint.

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4. Mr.D.Rameshkumar, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and a false case has been foisted against the petitioner. He however submits that he is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in incarceration since 17.02.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioner was found in possession of a large quantity of 57.952 kgs of banned tobacco products. He further submits that there are no previous cases against the petitioner. He further submits that if bail is granted to the petitioner, it may endanger the health of the general public. He further submits that the investigation is at premature stage. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. 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 stage of the investigation and taking note of the fact that the vehicle involved in this crime has been seized and with a view to give an opportunity to the



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petitioner to reform himself, this Court is inclined to grant an order of bail to the
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petitioner, however, 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, Ponnamaravathy, Pudukkottai 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, Ponnamaravathy, Pudukkottai District 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;

(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



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the learned Judicial Magistrate, Ponnamaravathy, Pudukkottai District;

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(vii) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.m., and 05.00 p.m., until further orders;

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

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Ponnamaravathy, Pudukkottai District, 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/-
28/02/2025

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28/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE,
PONNAMARAVATHY, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

<https://www.hmc.tn.gov.in/judis>



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3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.3859 of 2025
Date :28/02/2025

SA/SAR. /28.02.2025/6P/6C

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