



CRL OP (MD) No.3984 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3984 of 2025

R.Jothimani @ Jothi @ Thirumalaiammal

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Crime No.130 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Sudalaimani, 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.130 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 28.02.2025

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

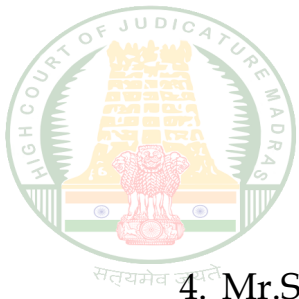


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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant
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bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 18.02.2025 for the alleged offences punishable under Section 24(1) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.130 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 18.02.2025, at about 10:00 a.m., the respondent-police went to a location near Ramakrishnan Petty Shop at Therukuratha Street, Mela Kadayanallur, where they found a lady standing near the petty shop with a plastic bag. Although the lady attempted to escape, the respondent-police managed to stop her. On enquiry, it was found that she was in illegal possession of 225 packets of 15g Ganesh Tobacco and 8 packets of 12g Coolip Tobacco. The respondent-police seized a total of 3.5 kgs of banned tobacco products from the petitioner and arrested her. Hence the case.



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4. Mr.S.Sudalaimani, the learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution, and a false case has been foisted against her. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 18.02.2025. He therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner was caught red-handed while in possession of banned tobacco products. He further submits that the petitioner has one previous case, which is not similar in nature. He further submits that if the petitioner is enlarged on bail, she will commit similar offence and cause threat to the witness and the general public. Therefore, 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 has been in judicial custody since 18.02.2025.

The petitioner is a woman. The petitioner has permanent residence and deep roots in



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the Society and therefore, there is less possibility of absconding. Considering the same and taking note of the fact that the petitioner is a first-time offender in relation to this type of offence, and with a view to give an opportunity to the petitioner to reform herself, 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, Tenkasi;

(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, Tenkasi 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 which she is accused, or suspected, of the commission of which she 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 her residential address and mobile number to the learned Judicial Magistrate, Tenkasi;

(vii) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Tenkasi 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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04/03/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.THE JUDICIAL MAGISTRATE,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TENKASI.
- 3.THE OFFICER IN-CHARGE,
WOMEN'S PRISON, KOKIRAKULAM,
TIRUNELVELI.
- 4.THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.3984 of 2025
Date :04/03/2025

RK (04/03/2025) 7P / 6C

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