



CRL OP (MD) No.3968 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3968 of 2025

Marimuthu

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Sankarankovil Town P.S,
Tenkasi District.
Crime No.121/2025

... Respondent/Complainant

For Petitioner : Mr.Yogeswaran.C, 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.121 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 27.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody



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on 08.02.2025 for the offences punishable under Section 123 of BNS, 2023 and Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.121 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that on 06.02.2025, at about 14:30 hours, based on secret information, the respondent-police conducted an inspection near the Old Bus stand, Sankarankovil. During the inspection, the respondent-police found that Accused No.1 was in illegal possession of 11.088 kgs of banned tobacco products worth about Rs.22,880/-. The respondent-police then seized the banned tobacco products and arrested Accused No.1. Based on the confession given by Accused No.1, the petitioner herein has been added as Accused No.2 and arrested on 08.02.2025. Hence, the case.

4. Mr.C.Yogeswaran, 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 incarceration since 08.02.2025. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. 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 there are totally two accused



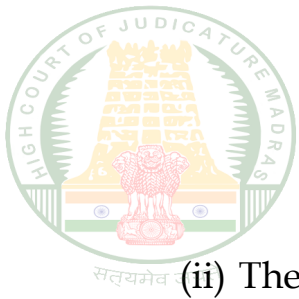
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persons in this case and the petitioner has been arrayed as Accused No.2. He further submits that there are no previous cases against the petitioner. He further submits that if the petitioner is enlarged on bail, he will commit similar offence again, 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 08.02.2025. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the same, considering the period of incarceration and also considering the fact that based on the confession of the co-accused person, the petitioner herein has been arrayed as Accused No.2 in this case and taking note of the fact that there are no previous cases against the petitioner and with a view to give an 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 Principal District and Sessions Judge, Tenkasi Division, Tenkasi;



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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 Principal District and Sessions Judge, Tenkasi Division, 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;

(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 not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with the evidence;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Principal District and Sessions Judge, Tenkasi Division, Tenkasi;

(viii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, learned Principal



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District and Sessions Judge, Tenkasi Division, 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].

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

sd/-
03/03/2025

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03/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TENKASI DIVISION, TENKASI.

2 THE OFFICER INCHARGE, SUB JAIL, SANKARANKOVIL

3 THE INSPECTOR OF POLICE, SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.K.KARNAN, Advocate (SR-2291[I] dated 03/03/2025)



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ORDER

IN

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Date :03/03/2025

RS/IT/SAR-(03.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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