



WEB COPY 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.4050 of 2025

Arumugam,
S/o. Kannaiah Alias Kannaiah Velar,
Neivaipatti Village,
Eannai Post,
Iluppur Taluk,
Pudukottai District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Annavasal Police Station,
Pudukottai District.
Crime No. 47 of 2025

... Respondent/ Complainant

For Petitioner : Mr.R.Paranjothi,

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.47 of 2025 on the file of the respondent-Police.



ORDER: The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 28.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 21.02.2025 for the offences punishable under Section 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.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.02.2025, at about 11.30 a.m., 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 near Kadambarayanpatti Division Road. At that time, the police intercepted a Honda-City Car bearing Registration No.TN-05-M-3355, which was being ridden by the co-accused and a Chevrolet car bearing Registration No.TN-36-L-7227, 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. 26 kgs of hans, 10.180 kgs of coolip, 11.082 kgs of vimal and 3.432 kgs of V1 tobacco products. The police team arrested the petitioner along with accused persons and seized the prohibited tobacco products and the alleged vehicles from them. Hence, the complaint.



WEB COPY

4. Mr.R.Paranjothi, 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 the petitioner is only the breadwinner of the family, and 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 21.02.2025. 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 huge quantity of banned tobacco products. He further submits that that there are no previous cases against the petitioner. He further submits that if bail is granted to the petitioner, he may cause endanger to the health of the general public. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioner and taking note of the fact that the vehicles involved in this crime and the banned tobacco products have been seized by the respondent-Police and also taking note of the fact that the petitioner is the first offender and with a view to give an opportunity to the petitioner



WEB COPY

to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

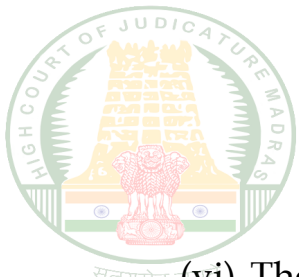
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate, Illupur, Pudukkottai District;

(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, Illupur, 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;



WEB COPY

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Illupur, Pudukkottai District;

(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, Illupur, 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/-
04/03/2025

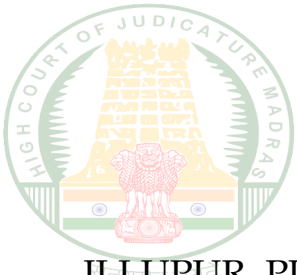
/ TRUE COPY /

04/03/2025

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

TSG
TO

1. THE JUDICIAL MAGISTRATE,
<https://www.mhc.tn.gov.in/judis>



ILLUPUR, PUDUKOTTAI DISTRICT

WEB COPY

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

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

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

+1 CC to M/s.R.PARANJOTHI, Advocate (SR-2376[I] dated 04/03/2025)

ORDER
IN
CRL OP(MD) No.4050 of 2025
Date :04/03/2025

NBF/SAR/ (04/03/2025) 6P/7C

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