



CRL OP (MD) No.4106 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Reegan Prabu

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Annavaasal Police Station,
Pudukkottai.
Crime No.47 of 2025.

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar

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 :-

This Criminal Original Petition has been filed by the petitioner on 03.03.2025



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

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2. The petitioner/A2 was arrested and remanded to judicial custody on 21.02.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita, 2023 and Sections 6(a), 24(1) of the Cigarette and Other Tobacco 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., when the defacto complainant, Sub-Inspector of Police, along with his team, was conducting a regular vehicle check-up near Kadamabarayanpatti Division Road, they intercepted two vehicles bearing registration Nos.TN-36-L-7227 (Chevrolet) and TN-05-M-3355 (Honda City). On enquiry, the police found that A1 was in possession of 44.744 kgs. of banned tobacco products, and the petitioner/A2 was in possession of 53.725 kgs. of banned tobacco products in that vehicles. The respondent-police arrested the accused persons and seized the vehicles along with tobacco products. Hence, the case.

4. Mr.D.Rameshkumar, the learned counsel appearing for the petitioner,

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submits that the petitioner is an innocent person and he has not committed the offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the co-accused person/A1, who was arrested along with the petitioner/A2, was released on bail. He further submits that the petitioner has been in judicial custody since 21.02.2025. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side), appearing for the respondent-police, submits that the co-accused/ A1 was granted bail as he has no previous cases, whereas the petitioner has six previous cases, though they are not similar in nature. He further submits that if the petitioner is enlarged on bail, he will abscond, commit similar offence again, and cause threat to the witnesses. 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 on 21.02.2025 and has been in judicial custody.

The petitioner has six previous cases, which are not similar in nature. The co-accused



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person/A1, who was arrested along with the petitioner/A2, was released on bail.

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Therefore, this Court is of the view that the further custody of the petitioner alone is not necessary in this case. Considering the same and also considering the period of incarceration and with a view to give one more 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 Judicial Magistrate, Illuppur, Pudukottai;

(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, Illuppur, Pudukottai, 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 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 also not directly or indirectly cause any threat to the defacto complainant and witnesses;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Illuppur, Pudukottai;

(viii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. and 5.00 p.m., until further orders;

(ix) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode; and



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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Illuppur, Pudukottai 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/-

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05/03/2025

Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDICIAL MAGISTRATE
ILLUPPUR, PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.



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4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.

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

ORDER
IN

CRL OP(MD) No.4106 of 2025
Date :05/03/2025

SS/SAR- /05/03/2025/ 7P/6C

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