



CRL OP (MD) No.4287 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4287 of 2025

Jeyaram

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
Crime No.76 of 2025

... Respondent/Complainant

For Petitioner : Mrs.S.Muthumeena
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.76 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 05.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on

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



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21.02.2025 for the alleged offences punishable under Sections 123 of Bharatiya Nyaya
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Sanhita (BNS), 2023 and Section 24(1) of the Cigarette and Other Tobacco Products
Act, 2003, in Crime No.76 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 21.02.2025, at about 09:30 a.m., when the defacto complainant, Sub-Inspector of Police, along with his team, conducted a vehicle check on Kadayam - Pulavanur Road, they noticed that A1 was riding his two-wheeler bearing Registration No.TN-76-AU-0532, with three white-coloured bags behind him. On seeing the police, he attempted to escape. However, the police apprehended him. Upon searching, the police found that A1 was in illegal possession of banned tobacco products, i.e., 88 packets of 100.8 grams of Coolip, each worth about Rs.208/-, 11 packets of 225 grams of Ganesh 701, each worth about Rs.120/-, 50 packets of 75 grams of Vimal Pan Masala, each worth about Rs.120/-, and 50 packets of 30 grams of V-1, each worth about Rs.30/-. On inquiry, they found that A1 planned to sell these tobacco products along with the petitioner (A2) and A3. Hence, the case.

4. Mrs.S.Muthumeena, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution. She further submits that the petitioner is a grocery shop owner, and that only based on the confession of A1, he has been falsely implicated in this case. She further submits



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that the petitioner has been in judicial custody since 21.02.2025. She therefore prays to grant bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner and the other accused illegally transported 6.5 kgs of banned tobacco products, which were procured from Kerala to be sold to school-going children. He further submits that A1 has also been arrested and is still in custody. He further submits that the petitioner has one previous case, which is similar in nature, and therefore, if the petitioner is enlarged on bail, he will again sell the tobacco products to school-going students, which would affect their future. 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 permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and considering the nature of offences alleged against the petitioner and the quantity of banned Tobacco products and taking note of 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



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the petitioner subject to the following conditions:

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(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;

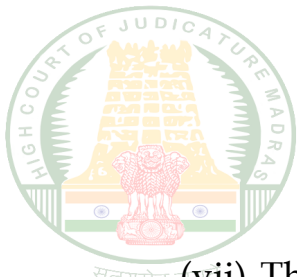
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Tenkasi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(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 the witnesses;



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

(viii) The petitioner shall appear and sign before the learned Judicial Magistrate, Tenkasi, on all working day at 10.30 a.m., until further orders; and

(ix) 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].

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

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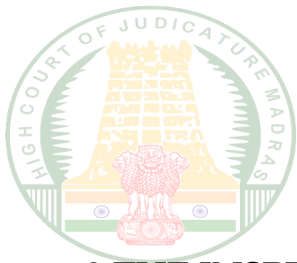
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI.



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3 THE INSPECTOR OF POLICE, KADAYAM POLICE STATION,
TENKASI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, TENKASI.

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

+1 CC to M/s.S.MUTHUMEENA, Advocate (SR-2546[I] dated 07/03/2025)

ORDER

IN

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Date :07/03/2025

RS/IT/SAR-(07.03.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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