



CRL.OP(MD). No.4319 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4319 of 2025

Palani @ Palanivel

... Petitioner/ A2

Vs.

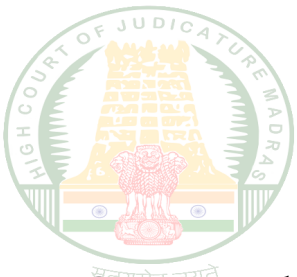
The State of Tamil Nadu,
rep., by the Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.89 of 2025

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner /accused on bail in the event of his arrest in Crime No.89 of 2025 pending investigation on the file of the respondent-Town West Police Station, Thanjavur District.

For Petitioner : Mr.R.L.Dhilipal Pandian

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)



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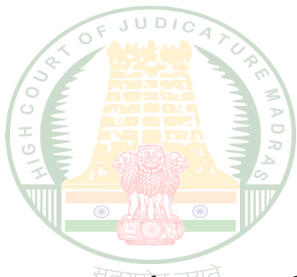
ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 05.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Section 123 of BNS, 2023 r/w Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.89 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 27.02.2025, at about 17.30, when the respondent-police were conducting raid at the shop of the petitioner situated at Thanjavur Old Bus-stand, they found that petitioner, and A1, who is the labour of the shop, were in possession of banned tobacco products i.e., 27 Hans Pockets each weighing 300gram (totally 8 Kilo 100 grams), 13 Hans Pouch each weighing 20 gram (totally 0.270 gram), 16 Vimal Pockets each weighing 75 gram (totally 1kilo 200 grams), 2 Cool lip Pockets each weighing 0.201 gram and 18 V1 Pockets each weighing 360 gram (totally 0.360gram), totalling 10 kilo 131 gram, in the shop for sale of it. Based on his

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confession, the petitioner has been arrayed as A2. Hence, the complaint.

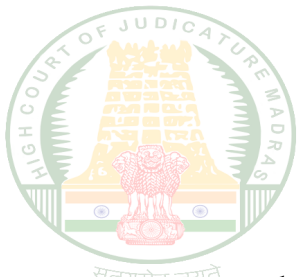
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4. Mr.R.L.Dhilipan Pandian, learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He however submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police submits that the petitioner is the owner of the petty shop and he has one previous case, which is related to the offences punishable under Tamil Nadu Prohibition Act. He further submits that if pre-arrest bail is granted to the petitioner, he will commit similar offence. He hence prays for dismissal of this criminal original petition.

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

7. The petitioner is the owner of the petty shop. The petitioner has no previous case similar to the present case. In view of the offence alleged against the



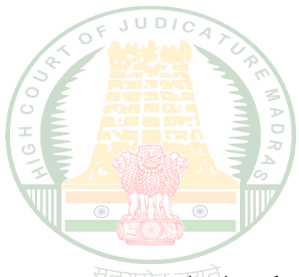
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petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Thanjavur, Thanjavur District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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 No.I, Thanjavur, Thanjavur 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 shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent police, weekly twice i.e., on every Monday and Friday at 10.00 am., until further orders.

(iv) The petitioner make himself available for interrogation by a police officer as and when required.

(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.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, 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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07/03/2025

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

Rmk

To

- 1.The Judicial Magistrate No.I, Thanjavur, Thanjavur District.
2. Do - Through the Chief Judicial Magistrate,
Thanjavur District.
- 3.The Inspector of Police,
Town West Police Station, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Order made in
CRL.OP(MD). No.4319 of 2025
07.03.2025

VN (26/03/2025) 7P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.