



WEB COPY 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.4260 of 2025

Mathavan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur District.
Crime No.120 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.120 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
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bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 28.02.2025 for the alleged offences punishable under Sections 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection) Act, 2015, in Crime No.120 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 28.02.2025, based on secret information, the respondent-police conducted a raid and found that the petitioner was in illegal possession of banned tobacco products, i.e., 14 packets of Hans, 2 packets of Coolip, 60 packets of Vimal, and 60 packets of VI, intended for sale to school-going students. Hence the case.

4. Mr.K.M.Karunakaran, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He further submits that the petitioner has been in judicial custody since 28.02.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner was in illegal possession of 136 packets of banned Tobacco products. He further submits that



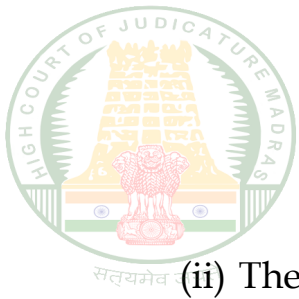
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investigation has been completed, and charge sheet has also been filed before the Trial Court. He further submits that the petitioner has two previous cases, which are similar in nature, and therefore, if the petitioner is enlarged on bail, he will again sell the banned tobacco products to school-going students, which would affect their future. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 28.02.2025 and has been in judicial custody. It is stated that investigation has been completed, and the respondent-police has filed charge sheet before the concerned Court. In view of the above, this Court is of the opinion that the custodial interrogation of the petitioner may not be necessary in this case. Further, the petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the totality of circumstances and taking note of the period of incarceration, 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 No.II, Thanjavur;



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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 Judicial Magistrate No.II, Thanjavur 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 furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Thanjavur;

(vii) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Thanjavur, on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Thanjavur 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
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[(2005) 13 SCC 283].

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

sd/-
07/03/2025

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07/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB-JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THANJAVUR TMCH POLICE STATION,
THANJAVUR DISTRICT.

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

MADURAI

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



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ORDER
IN
CRL OP(MD) No.4260 of 2025
Date :07/03/2025

NBF/SAR/ (07/03/2025) 6P/7C

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