



CRL OP (MD) No.4354 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4354 of 2025

Saravanan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.79 of 2025

... Respondent/Complainant

For Petitioner : Mr.B.Anandan, 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.79 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 06.03.2025
under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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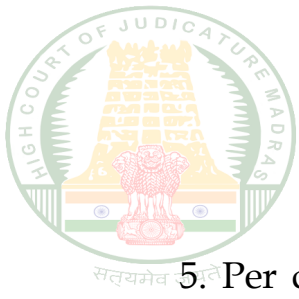
to grant bail.

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2. The petitioner/sole accused was arrested and remanded to judicial custody on 19.02.2025 for the alleged offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.79 of 2025 on the file of the respondent-police.

3.The case of the prosecution is that on 19.02.2025, at about 12:30 p.m., based on secret information, the respondent-police conducted a raid at the shop of the petitioner and found that the petitioner was in illegal possession of banned tobacco products weighing 16.785 kgs, intended for sale. The police arrested the petitioner, seized the banned tobacco products, and recovered a sum of Rs.2,250/- earned by selling the banned tobacco products. Hence the case.

4. Mr.B.Anandan, 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 the petitioner. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 19.02.2025. He therefore prays to grant bail to the petitioner.



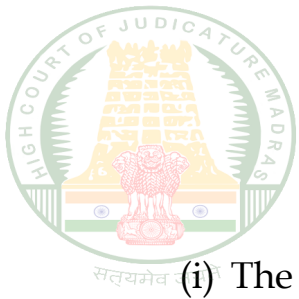
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner was in illegal possession of banned tobacco products weighing 16.785 kgs, intended for sale. He further submits that the petitioner has three previous cases, which are similar in nature, and therefore, if the petitioner is enlarged on bail, he will commit similar offence and endanger the public. Accordingly, 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 19.02.2025 and has been in judicial custody. The petitioner is running a petty shop. The petitioner has three previous cases, which are similar in nature. In view of the offence alleged against the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. 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:



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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, Pattukkottai;

(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, Pattukkottai shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Pattukkottai on all working days at 10.00 a.m., until further orders and also file an undertaking affidavit to the effect that he will not commit similar offence in future;

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

(vi) 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;

(vii) 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



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from disclosing such facts to the Court or to any police officer or tamper with the
evidence; and

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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Pattukkottai 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/-
13/03/2025

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13/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.



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2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUB JAIL,
THANJAVUR.

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

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-2726[I] dated 13/03/2025)

ORDER
IN

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Date :13/03/2025

MK/IT/SAR /13.03.2025 6P/7C

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