



WEB COPY 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.4357 of 2025

1.Selvavinayagam

2.Selvaraj

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
Crime No.76 of 2025

... Respondent/Complainant

For Petitioners : Mrs.A.Banumathy

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 :-

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This Criminal Original Petition has been filed by the petitioners on 06.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/ A1 & A2 were arrested and remanded to judicial custody on 22.02.2025 for the alleged offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6(a) and 24(1) of the Cigarettes 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 14:00 hours, when the respondent-police were conducting a vehicle check, they found that the petitioners were in possession of banned tobacco products, weighing a total of 15 kgs and 13.843 kgs, in two two-wheelers bearing Registration Nos.TN-85-M-8412 and TN-12-AK-4303. Hence the case.

4. Mrs.A.Banumathy, the learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution and that a false case has been foisted against them. She however submits that the petitioners are ready to abide by any condition that may be imposed by this Court. She further submits that the petitioners have been in judicial custody since 22.02.2025. She



therefore prays to grant bail to the petitioners.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the A1 was in illegal possession of banned Tobacco Products, weighing a total of 15 kgs, and A2 was in illegal possession of banned Tobacco Products, weighing a total of 13.843 kgs. He further submits that the petitioners have no previous case. He further submits that if the petitioners are enlarged on bail, they will commit similar offence and endanger the public. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 22.02.2025 and has been in judicial custody. The petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. In view of the offences alleged against the petitioners, this Court is of the opinion that further custody of the petitioners is not necessary in this case. Considering the same, and taking note of the fact that the petitioners are first offenders, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five



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Thousand only) each 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, Viralimalai;

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

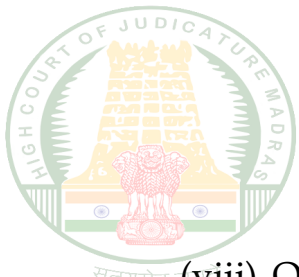
(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Viralimalai;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate, Viralimalai, on all working days at 10.30 a.m., until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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; and



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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Viralimalai is entitled to pass appropriate orders against the petitioners 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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14/03/2025

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

mbi
TO

- 1 THE JUDICIAL MAGISTRATE, VIRALIMALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION, PUDUKKOTTAI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

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



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+1 CC to M/s.A.BANUMATHY, Advocate (SR-2736[I] dated 13/03/2025)

ORDER

IN

CRL OP(MD) No.4357 of 2025

Date :13/03/2025

NBF/SAR/ (14/03/2025) 6P/7C

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