



CRL OP (MD) No.4493 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4493 of 2025

Muneeswaran @ Muniswaran

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No.47 of 2025

... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.47 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 07.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody

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on 16.02.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6(b) and 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 16.02.2025, at about 08:30 hours, the defacto complainant and his team were on patrol near Viraganoor on the Madurai - Rameswaram Highway and found that the petitioner and other accused persons were transferring gunny bags from a Maruti car bearing Registration No.TN-64-P-5333 to an auto bearing Registration No.TN-63-H-7756. On enquiry, the respondent-police found that the gunny bags contained prohibited tobacco products weighing 40.500 kgs, meant for sale. Hence the case.

4. Mr.D.Rajaboopathy, 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 16.02.2025. 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 and other accused



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persons were in illegal possession of banned tobacco products weighing 40.5 kgs, intended for sale. He further submits that A2 and A3 were arrested and are still in custody. He further submits that the petitioner has three previous cases, out of which two are similar in nature, and therefore, if the petitioner is enlarged on bail, he will commit similar offence and endanger public safety. 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 16.02.2025 and has been in judicial custody. The petitioner has three previous cases, out of which two 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:

(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



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Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate
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No.II, Madurai;

(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, Madurai 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 No.II, Madurai;

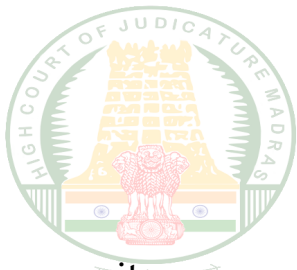
(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.m., until further orders;

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

(viii) The petitioner shall not directly or indirectly cause any threat to the



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witnesses and general public; and

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Madurai 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/-
18/03/2025

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19/03/2025
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 NO.II, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SILAIMAN POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

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ORDER

IN

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Date :18/03/2025

RS/IT/SAR-(19.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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