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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.4914 of 2025

Ananth

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi District.
Crime No.92 of 2025

... Respondent/Complainant

For Petitioner : Mr.N.Vignesh,
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.92 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 14.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 08.03.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.92 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 08.03.2025, at about 08:30 a.m., based on secret information, when the defacto complainant and her team were conducting a vehicle check-up near MKVK Saw Mill, Pavoorchatram, they intercepted an Omni Bus bearing Registration No.KA-42-A-5608. On searching, they found that the petitioner was in illegal possession of 10 small packets of Ganesh 701 Tobacco, weighing a total of 2.250 kgs (10 x 225 grams), and 20 small packets of Cool Lip, weighing a total of 2.016 kgs (20 x 100.8 grams). Hence the case.



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4. Mr.N.Vignesh, 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 08.03.2025. 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 banned tobacco products weighing a total of 4.265 kgs, intended for sale, 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 08.03.2025 and has been in judicial custody. In view of the offence alleged against the petitioner, this Court is of the opinion that



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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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Tenkasi;

(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, Tenkasi 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, Tenkasi;

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



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(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 witnesses and general public; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Tenkasi 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.

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.

mbi/jen
TO

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

ORDER IN
CRL OP(MD) No.4914 of 2025
Date :18/03/2025

ES/19.03.2025/6P/6C

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