



CRL OP (MD) No.4961 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.4961 of 2025

Mathan

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
Crime No.84 of 2025

... Respondent/Complainant

For Petitioner : Mr.C.Suresh Kannan
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

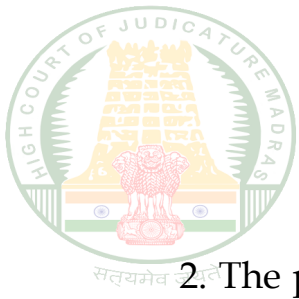
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.84 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 14.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



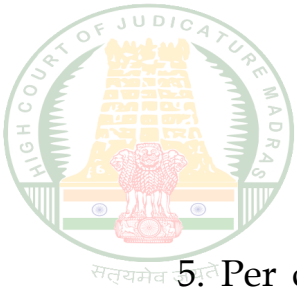
CRL OP (MD) No.4961 of 2025

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2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 25.02.2025 for the alleged offences punishable under Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.84 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 25.02.2025, at about 10:30 a.m., during a patrolling duty, based on information, the respondent-police reached the Noon Mean Centre near Sendhamaram Oorani and noticed that A1 and A2 were selling banned tobacco products to children. On seeing the police, they attempted to escape. However, the police apprehended them. On searching, the police found that they were in illegal possession of 51.750 kgs of banned tobacco products in a two-wheeler bearing Registration No.TN-76-D-1141, which they intended to sell at higher rates. Hence the case.

4. Mr.C.Suresh Kannan, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. 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 25.02.2025. He therefore prays to grant bail to the petitioner.



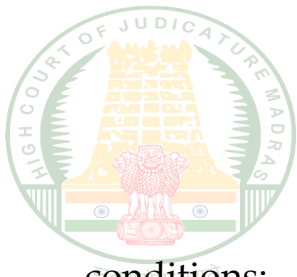
CRL OP (MD) No.4961 of 2025

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side), appearing for the respondent-police, submits that the contraband involved in this case is a huge quantity of 51.750 kgs. He further submits that the petitioner has no previous cases. Additionally, he submits that the petitioner, along with the other accused persons, was selling the banned tobacco products to children. Therefore, if the petitioner is enlarged on bail, he may commit a similar offence and endanger the children. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The respondent-police recovered the contraband only from A1 and A2. The petitioner has been arrayed as A3 in this case based on the confession of the co-accused. The petitioner was arrested on 25.02.2025 and is still in judicial custody. It is stated that the petitioner has no previous case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the fact the petitioner has been arrayed as an accused in this crime only based on the confession of co-accused and the period of incarceration, and taking note of the fact that the petitioner is a first offender, and with a view to give an 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



CRL OP (MD) No.4961 of 2025

conditions:

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(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;

(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



CRL OP (MD) No.4961 of 2025

evidence;

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(viii) The petitioner shall also not directly or indirectly cause any threat to the witnesses and general public particularly children; 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].

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

sd/-
18/03/2025

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18/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

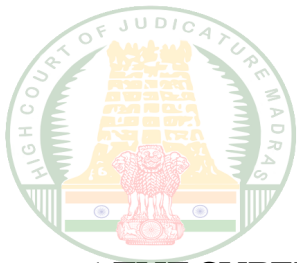
mbi

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI.

3 THE INSPECTOR OF POLICE, SENDHAMARAM POLICE STATION,
TENKASI DISTRICT.



CRL OP (MD) No.4961 of 2025

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-2984[I] dated 18/03/2025)

ORDER

IN

CRL OP(MD) No.4961 of 2025

Date :18/03/2025

RS/IT/SAR-(18.03.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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