



CRL OP (MD) No.4925 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.4925 of 2025

Vellaiyan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.89 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.89 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/Accused No.1 was arrested and remanded to judicial custody on 27.02.2025 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.89 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 27.02.2025, at about 17:30, when the respondent-police were conducting a raid at the shop of A2, located at the Thanjavur Old Bus-stand, they found A2, the owner of the shop, and the petitioner (A1), who is a labourer at the shop, in possession of banned tobacco products, i.e. 27 Hans Pockets, each weighing 300 grams (totalling 8 kilograms 100 grams), 13 Hans Pouches, each weighing 20 grams (totalling 0.270 kilograms), 16 Vimal Pockets, each weighing 75 grams (totalling 1 kilogram 200 grams), 2 Cool Lip Pockets, each weighing 0.201 grams, and 18 V1 Pockets, each weighing 360 grams



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(totalling 0.360 kilograms), amounting to a total of 10 kilograms 131 grams. These banned tobacco products were found in the shop and were intended for sale. The petitioner was arrested, and the banned tobacco products were seized. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, 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 further submits that the petitioner is only a labourer at the shop and has nothing to do with the alleged offence. 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 27.02.2025. 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 has one previous case, which is not similar in nature. He further submits that the investigation of this case is pending, and therefore, at this stage, if the petitioner is enlarged on bail, he will commit similar offence and tamper with the evidence. Hence, he prays to dismiss this Criminal Original Petition.



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

7. The petitioner was arrested on 27.02.2025 and has been in judicial custody since then. In view of the offence alleged against the petitioner and the fact that pre-arrest bail was already granted to the owner of the shop/A2 by this Court *vide* order dated 07.03.2025 in Crl.O.P.(MD) No.4319 of 2025, 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.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 No.I, Thanjavur;



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(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.I, Thanjavur 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.I, Thanjavur;

(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



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

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(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 No.I, Thanjavur 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.

MBI

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4925 of 2025
Date :18/03/2025

SS/SAR- /19/03/2025/ 7P/6C

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