



CRL OP (MD) No.4948 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.4948 of 2025

A.Anantha Selvan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
Crime No.76 of 2025

... Respondent/Complainant

For Petitioner	:	Mr.S.Sudalaimani
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 :-

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.3 was arrested and remanded to judicial custody

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



CRL OP (MD) No.4948 of 2025

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.76 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.02.2025, at about 09.30 a.m., based on secret information, the respondent-police reached the spot and intercepted a Hero HF Delux two-wheeler bearing Registration No. TN-76-AU-0532 and found that the accused person was in illegal possession of 16.6 kgs of banned tobacco products, meant for sale. Hence the case.

4. Mr.S.Sudalaimani, 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 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 has five previous cases, which are similar in nature, and therefore, if the petitioner is enlarged on bail, he will commit similar offence and endanger public safety. Therefore, he prays to dismiss this Criminal Original Petition.



CRL OP (MD) No.4948 of 2025

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

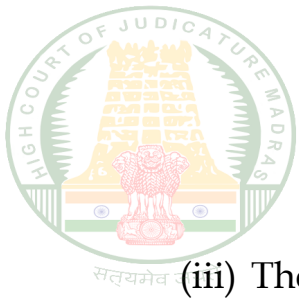
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7. The respondent-police recovered the contraband only from the co-accused.

The petitioner (A3) has been arrayed as an accused in this case only based on the confession of the co-accused. The petitioner was arrested on 08.03.2025 and is still in judicial custody. It is stated that the petitioner has five previous cases, which are similar in nature. However, considering the fact that the petitioner has been arrayed as an accused in this crime based on the confession of the co-accused, and taking note of the period of incarceration, and with a view to give one more opportunity to the petitioner 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;



CRL OP (MD) No.4948 of 2025

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(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 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].



CRL OP (MD) No.4948 of 2025

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, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

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

4 THE OFFICER INCHARGE, SUB PRISON, TENKASI.

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

+1 CC to M/s.S.SUDALAIMANI, Advocate (SR-3045[I] dated 18/03/2025)

ORDER
IN

CRL OP(MD) No.4948 of 2025

Date :18/03/2025

RS/IT/SAR-(19.03.2025) 5P 7C

Madurai Bench of Madras High Court is issuing
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