



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.5155 of 2025

1. Ramesh Kumar,
S/o. Asharam,
Pantheri, Tashsil-Sayla,
Pantheri Jalor, Pantheri,
Rajasthan-343 023.

2. Dinesh Kumar,
S/o.Bharmal Ram,
Khumaniyo Ki Dhani,
Doongarwa,
Dungarwas, Jalor,
Rajasthan-343 030.

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.63 of 2025

... Respondent/ Complainant

For Petitioners: Mr.D.S.Haroon Rasheed,
Advocate



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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

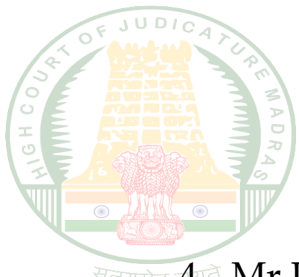
For Bail in Crime No.63 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 18.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 22.01.2025 for the offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of BNS, 2023, in Crime No.63 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.01.2025, at about 05.15 a.m., when the defacto complainant, the Sub-Inspector of Police, along with his police team, was conducting a vehicle check-up near Pandian Nagar, Theppakulam, they intercepted a Scorpio car bearing Registration No. KA-59-M-3780 and found that the petitioners were transporting 495 kgs of various brands of prohibited tobacco products in the car. The police team arrested the petitioners and seized the prohibited tobacco products and the car from the accused persons. Hence, the case.



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4. Mr.D.S.Haroon Rasheed, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence and that a false case has been foisted against the petitioners. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioners have been in judicial custody since 22.01.2025. Hence, he prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners were found in illegal possession of a large quantity of 495 kgs of banned tobacco products, and the same, along with the car, was seized from them at the spot. He further submits that if bail is granted to the petitioners, they will abscond, commit a similar offence, and endanger the health of the general public. Therefore, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners were arrested and have been in judicial custody since 22.01.2025. In view of the offences allegedly committed by the petitioners and the fact that the banned tobacco products and the car have been seized from the petitioners at the spot, this Court is of the opinion that the further custody of the petitioners is not necessary for the Investigating Agency. Considering the same, and also considering



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the facts and circumstances of the case, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, 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.I, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the



evidence;

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(vi) The petitioners shall also not directly or indirectly cause threat to the defacto complainant and the witnesses;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;

(viii) The petitioners shall appear and sign before the learned Judicial Magistrate No.I, Madurai, on all working days at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, 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/-
20/03/2025

/ TRUE COPY /

21/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION, MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5155 of 2025
Date :20/03/2025

NBF/SAR/ (21/03/2025) 6P/6C

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