



CRL OP (MD) No.5264 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5264 of 2025

Kalaiselvam

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
rep. by the Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
Crime No.114 of 2025

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar

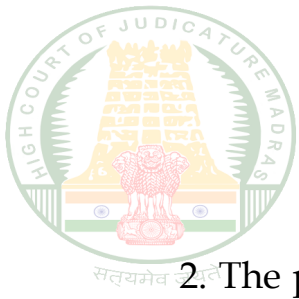
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.114 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 19.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 28.02.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023, and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.114 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 27.02.2025, at about 10.15 p.m., when the defacto complainant, along with his team, was on surveillance at Shenkottia Bus Stand, they found that the petitioner/A1 was in illegal possession of 44.478 Kgs of banned Tobacco products. The police seized the banned Tobacco products and arrested the petitioner/A1. Hence, this case.

4. Mr.C.Susikumar, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 28.02.2025. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that totally, there are three accused in this case, and the petitioner is A1. He further submits that the other accused persons/A2 and A3 are still absconding. He further that the petitioner has



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one previous case, which is similar in nature. He further submits that if this Court grants bail to the petitioner, he may abscond and may commit similar type of offence.

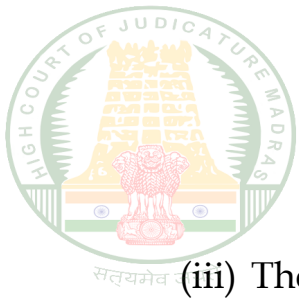
Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 28.02.2025 and has been in judicial custody since then. 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 nature of offences alleged against the petitioner and 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, Shenkottai;

(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, Shenkottai shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Shenkottai;

(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 defacto complainant and the witnesses; and

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

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

APD

TO

1 THE JUDICIAL MAGISTRATE,
SHENKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
SHENKOTTAI POLICE STATION,
TENKASI DISTRICT.

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

ORDER IN
CRL OP(MD) No.5264 of 2025
Date :21/03/2025

SA/SAR. /21.03.2025/5P/6C

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