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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.5157 of 2025

S.Azeez,
S/o.Shahul Hameed,
Pallivasal Street,
Pallapatty, Melur Taluk,
Madurai District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kottampatti Police Station,
Madurai District.
Crime No.48 of 2025

... Respondent/Complainant

For Petitioner : Ms.B.Bhuvaneshvari
for M/s. Ganesan Legist Law Firm,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.48 of 2025 on the file of the respondent-police.



ORDER: The Court made the following order :-

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

2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 04.03.2025 for the offences punishable under Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of the Bharatiya Nyaya Sanhita, (BNS), 2023 in Crime No.48 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 04.03.2025, at about 11.00 a.m., when the defacto complainant, Sub-Inspector of Police, along with his police team, was on patrol duty near Valaicheripatti Junction on Singampunari Road, they intercepted a Xylo car bearing Registration No. TN-22-CB-7412 and searched the vehicle. Upon search, they found that the petitioner, along with other accused persons, was in illegal possession of banned Tobacco Products, i.e., 370 pouches of Ganesh Tobacco [370 x 15 = 5550 pieces], 16 pouches of Hans [16 x 15 = 240 pieces], 510 pouches of Vimal Betel Nut [510 x 30 = 15300 pieces], 520 pouches of V1 Tobacco [520 x 30 = 15600 pieces], and 700 pouches of Cool Lip Tobacco [700 x 8 = 5600 pieces]. Thereafter, the respondent-police arrested the petitioner along with the other accused persons and seized the banned tobacco



products and the car from them. Hence, the complaint.

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4. Ms.B.Bhuvaneshvari, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. She however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. She further submits that the petitioner has been in judicial custody since 04.03.2025. Therefore, she prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner, along with other accused persons, was in illegal possession of a large quantity of banned tobacco products and that the petitioner herein is running a petty shop. He further submits that if bail is granted to the petitioner, he will abscond, commit a similar offence, and endanger the health of the general public. Hence, he vehemently opposes to grant bail to the petitioner.

6. Heard the learned counsel on either side and perused the records.

7. The petitioner was arrested on 04.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and the fact that the prohibited tobacco products and the car have been seized by the respondent-police, this Court is of the opinion that the further custody of the petitioner is not



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necessary for the Investigating Agency. 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 facts and circumstances of the case, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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, Melur;

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

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

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) 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;

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

(vii) The petitioner shall appear and sign before the learned Judicial Magistrate, Melur, on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Melur, 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

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21/03/2025

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

TSG
TO

1. THE JUDICIAL MAGISTRATE, MELUR.

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



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2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5157 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