



CRL OP (MD) No.5336 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP (MD) No.5336 of 2025

1. Anand Das
2. Amit
(*3. Pahal Singh
4. Shailkumariparte

... Petitioners/ A1 to A4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
PEW-Uthamapalayam Police Station,
Theni District.
Crime No.9/2025

... Respondent/Complainant

For Petitioners : Mr.A.Joseph Jerry
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.9 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 19.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioners/A1 to A4 were arrested and remanded to judicial custody on 23.02.2025 for the alleged offences punishable under Sections 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003, Section 271 of the Bharatiya Nyaya Sanhita, 2023 and Section 4(1-A)(ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.9 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.02.2025, at about 9.00 hours, on receiving secret information, the respondent-police conducted a vehicle check-up at Podi Munthal Check Point and intercepted a Jeep bearing Registration No.CG-11-MA-4269. On search, the respondent-police found that the accused persons were in possession of 5 litres of illicit liquor in three flask-type water bottles and banned tobacco products, totalling about 13.382 grams. Hence, the case.

4. Mr.A.Joseph Jerry, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. He further submits that the petitioners were arrested and have been in judicial custody since 23.02.2025, i.e., for more than 30 days. Further, the learned counsel for the petitioners has produced proof of residence of the petitioners/A1 to A4, their Aadhaar Cards, the driving licence of the first petitioner, and the PAN Card of the third petitioner. He further submits that the petitioners are ready to abide by any



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conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation of the case is pending and the petitioners are hailing from Madhya Pradesh, and therefore, at the stage of investigation, if the petitioners are enlarged on bail, they may abscond and delay the investigation. Accordingly, he strongly opposes to grant bail to the petitioners.

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

7. In view of the nature of offence allegedly committed by the petitioners and considering the period of incarceration, this Court is of the considered opinion that further custody of the petitioners is not necessary in this case for the Investigating Agency. Further, the respondent-police seized the vehicle from the petitioners. Considering the same 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.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten



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Thousand only) to the satisfaction of the learned (*)Judicial Magistrate, Uthamapalayam;

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

(iii) The petitioners shall furnish their residential address and mobile number to the learned (*)Judicial Magistrate, Uthamapalayam;

(iv) The petitioners shall appear and sign before the respondent- police daily at 10.00 am until further orders;

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

(vi) 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;

(vii) 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 their from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioners shall not directly or indirectly cause any threat to the



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defacto complainant and witnesses; and

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Bodinayakanur is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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/-
27/03/2025

(*) Amended as per order of this Hon'ble Court in
CRL MP(MD).4483/2025 in CRL OP(MD).
5336/2025 Dated 02/04/2025

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02/04/2025

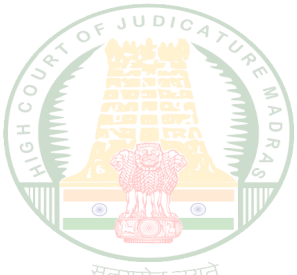
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
28/03/2025

1 THE JUDICIAL MAGISTRATE, BODINAYAKANUR.



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2 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

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3 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI (WOMEN).

5 THE OFFICER INCHARGE, THENI PRISON, THENI.

6 THE INSPECTOR OF POLICE, PEW UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1 CC TO MR.A.JOSEPH JERRY, ADVOCATE, SR-3767[I] DATED 02/04/2025

ORDER

IN

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Date :27/03/2025

SS/SKN/SAR- /28/03/2025/ 6P/8C

RS/IT/SAR- /02.04.2025/ 6P/9C

Madurai Bench of Madras High Court is issuing
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