



CRL OP (MD) No.5265 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.5265 of 2025

Muthukumar

... Petitioner/ Accused No.1

Vs

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

... Respondent/ Complainant

|                |   |                                                       |
|----------------|---|-------------------------------------------------------|
| For Petitioner | : | Mr.M.Gandhirajan                                      |
| For Respondent | : | Mr.K.Sanjai Gandhi<br>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 :-

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 05.03.2025 for the alleged offences punishable under Sections 6(b), 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of 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 the 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 person, 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.

4. Mr.M.Gandhirajan, 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, and he has been falsely implicated in this case. He further submits



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that the co-accused person/A2 was granted bail by this Court in Crl.O.P.(MD) No.5157 of 2025 on 20.03.2025. He further submits that the petitioner has been in judicial custody since 05.03.2025 and 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 the petitioner and other accused person were in illegal possession of 202 kgs of banned tobacco products. He further that the petitioner has no previous case. He however 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.

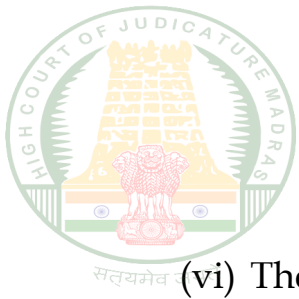
7. The petitioner was arrested on 05.03.2025 and has been in judicial custody since then. The petitioner has no previous case. The co-accused person/A2 was granted bail by this Court on 20.03.2025 in Crl.O.P.(MD) No.5157 of 2025. In view of the offences allegedly committed by the petitioner and the fact that the banned tobacco products and the car have been seized by the respondent-police, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same, and also



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considering the period of incarceration, and with a view to give an 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, Melur, 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, Melur, Madurai 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 which 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, Madurai;

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

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Melur, 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/-  
21/03/2025

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21/03/2025

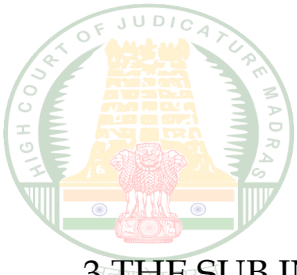
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

apd

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.



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3 THE SUB INSPECTOR OF POLICE, KOTTAMPATTI POLICE STATION,  
MADURAI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, MELUR, MADURAI DISTRICT.

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

+1 CC to M/s.M.GANDHIRAJAN, Advocate ( SR-3246[I] dated 21/03/2025 )

ORDER

IN

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Date :21/03/2025

RS/IT/SAR-(21.03.2025) 6P 7C

Madurai Bench of Madras High Court is issuing  
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