



CRL.OP(MD). No.5481 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5481 of 2025

Rajesh

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.104 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.104 of 2025 on the file of the respondent police.

For Petitioner : Mr.C.Susikumar,
Advocate

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

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offence punishable under Sections 24(1) of Cigarette and Other Tobacco Products Act read with Section 123 of BNS, 2023, in Crime No.104 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that on 25.01.2025, at about 15:00 hours, the defacto complainant, the Sub-Inspector of Police, along with his team, was on patrol duty when the petitioner was seen driving a vehicle bearing Registration No.TN-75-Y-7998. On noticing the police, the petitioner stopped the vehicle and fled the scene, leaving the vehicle behind. On searching the vehicle, the police found that it contained banned tobacco products weighing a total of 185.91 kg [750 packets of 225 gm + 200 packets of 75 gm + 200 packets of 10.8 gm], valued at about Rs.1,20,000/- [Rs.90,000 + Rs.24,000 + Rs.6,000]. The police seized both the banned tobacco products and the vehicle. Hence, the case



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4. Mr.C.Susikumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the investigation might have been completed. He, however, submits that the petitioner is also ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side), appearing for the respondent-police, submits that investigation in this case has not been completed. Hence, custodial interrogation of the petitioner is necessary to unearth the truth. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and other witnesses and also tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The earlier pre-arrest bail application filed by the petitioner was already dismissed on merits by this Court in CrI.OP(MD).No.2858 of 2025 on 17.02.2025.



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Thereafter, the present petition has been filed. When this case is taken up for hearing today, this Court specifically put a question to the learned counsel for the petitioner to state about the alleged change in circumstances. However, the learned counsel is unable to provide satisfactory reason. Hence, it is clear that there is no change of circumstances in this petition. Therefore, this Court is of the view that successive pre-arrest bail application without any change in circumstances is not maintainable. Accordingly, this Criminal Original Petition is dismissed.

sd/-
27/03/2025

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/05/2025

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

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To

- 1.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-3737[I] dated 01/04/2025)

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ORDER

IN

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Date :27/03/2025

VN/26.05.2025 5P/4C

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