



CRL OP (MD) No.5445 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Arunkumar,
S/o.Sundaram,
No.67/59, Kamarajapuram,
26th Street,
Pudukkottai,
Pudukkottai District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Crime No.77/2025

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
Advocate

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



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PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

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PRAYER :- For Bail in Crime No.77 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 20.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 11.03.2025 for the offences punishable under Section 123 of the Bharatiya Nyaya Sanhita, (BNS), 2023 r/w Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.77 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 11.03.2025, at about 03:00 p.m., near Pillaiyar Kovil, Kamarajapuram 28th Street, the defacto complainant, the Inspector of Police, along with his police team, was on patrol duty. At that time, the police intercepted a Honda Activa bearing Registration No.TN-65-AZ-9847. Upon seeing the police, the petitioner turned the two-wheeler around, but the respondent-police caught him. During the search, it was found that the petitioner was in illegal possession of 4.100 kgs of banned tobacco products. Thereafter, the respondent-police arrested the petitioner and seized the banned tobacco products and the vehicle from him. Hence, the complaint.

4. Mr.D.Ramesh Kumar, learned counsel appearing for the petitioner, submits



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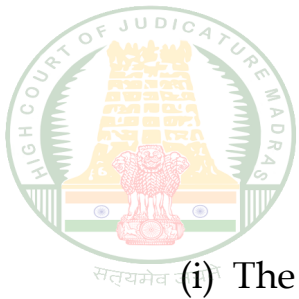
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that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in judicial custody since 11.03.2025. Therefore, he prays to grant 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 was in illegal possession of 4.100 kgs of banned tobacco products. He further submits that there is one previous case pending against the petitioner, which is similar in nature. He further submits that if bail is granted to the petitioner, he will commit similar offence and endanger the health of the general public. However, he vehemently opposes to grant bail to the petitioner.

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

7. 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 fact that the prohibited tobacco products and the vehicle have been seized by the respondent-Police 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:



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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.I, Pudukkottai;

(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 No.I, Pudukkottai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Pudukkottai;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 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 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



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evidence; and

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(viii) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.I, Pudukkottai, 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/-
24/03/2025

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24/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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



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

ORDER
IN
CRL OP(MD) No.5445 of 2025
Date :24/03/2025

SA/SAR. /24.03.2025/6P/6C

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