



CRL OP (MD) No.5452 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5452 of 2025

Mehar Banu,
S/o.Kaja Mohaideen,
4/132, Pallivasal Street,
Sambankulam,
Tenkasi District.

... Petitioner/2nd Accused

Vs

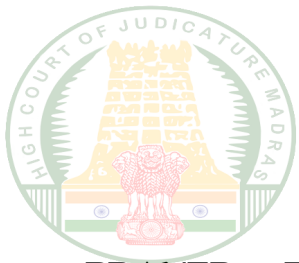
The State of Tamil Nadu,
Rep. by the Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime No.83/2025

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS



CRL OP (MD) No.5452 of 2025

PRAYER :- For Bail in Crime No.83 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/ Accused No.2 was arrested and remanded to judicial custody on 14.03.2025 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.83 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 14.03.2025, at about 01:00 p.m., the defacto complainant, the Inspector of Police, along with his police team, was on surveillance near Barakkath Store at Sambakulam. At that time, the petitioner/ A2 was giving a packet to an unknown person. Upon seeing the police, the unknown person escaped, and the petitioner/ A2 entered into the said store belonging to her husband. Thereafter, the police entered into the said Barakkath Store and conducted a search. During the search, they found that the petitioner was in illegal possession of 5.650 kgs of banned tobacco products in a vessel. Thereafter, the respondent-police arrested the petitioner and seized the banned tobacco products from her. Hence, the complaint.

4. Mr A.Balakrishnan, learned counsel appearing for the petitioner, submits that



CRL OP (MD) No.5452 of 2025

WEB COPY

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 that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 14.03.2025. 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 5.650 kgs of banned tobacco products, worth about Rs. 6,358/-. He further submits that there are totally three accused persons in this case, and the petitioner has been arrayed as Accused No.2. He further submits that the petitioner's husband/A1 is running the said shop, and the petitioner, her husband (A1), and her father-in-law (A3) have been jointly purchasing the banned tobacco products from Tirunelveli and selling the same to others. Therefore, he submits that if bail is granted to the petitioner, she, along with the other accused persons, may commit 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. In view of the facts that the prohibited tobacco products has been seized by the respondent-police and that the petitioner is a woman, this Court is of the opinion



CRL OP (MD) No.5452 of 2025

WEB COPY

that further custody of the petitioner is not necessary in this case. 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 herself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

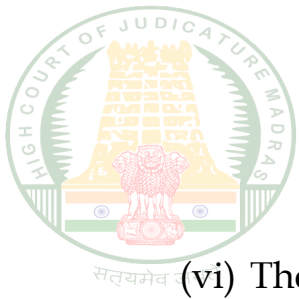
(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Tenkasi;

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

(iii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate, Tenkasi;

(iv) The petitioner shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) 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;



CRL OP (MD) No.5452 of 2025

WEB COPY

(vi) The petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she 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 evidence; and

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

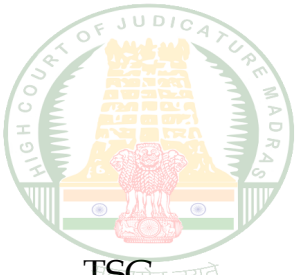
sd/-

24/03/2025

/ TRUE COPY /

24/03/2025

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



CRL OP (MD) No.5452 of 2025

TSG
TO
WEB COPY

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TENKASI DISTRICT.

3 THE OFFICER INCHARGE,
SPECIAL WOMEN JAIL, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.A.BALAKRISHNAN, Advocate (SR-3323[I] dated 24/03/2025)

ORDER IN
CRL OP(MD) No.5452 of 2025
Date :24/03/2025

SA/SAR. /24.03.2025/6P/7C

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