



CRL OP (MD) No.5531 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5531 of 2025

Arokiyasamy

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
Crime No.84 of 2025

... Respondent/Complainant

For Petitioner : Mr.M.Mohamed Sherbudeen

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

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

PRAYER :-

For bail in Crime No.84 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 21.03.2025



CRL OP (MD) No.5531 of 2025

under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
WEB COPY
to grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on 25.02.2025 for the alleged offences punishable under Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.84 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 25.02.2025, at about 10:30 hours, while on patrol duty, the respondent-police received information that the accused persons were selling prohibited tobacco products near the Noon Meal Centre at Senthamaram Oorani. The respondent-police reached the spot and found that the petitioner (A1) and A2 were selling banned tobacco products from a two-wheeler bearing Registration No. TN-76-D-1141. The respondent-police arrested them and seized banned tobacco products weighing 51.750 kgs from them. Hence the case.

4. Mr.M.Mohamed Sherbudeen, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 25.02.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the



CRL OP (MD) No.5531 of 2025

petitioner.

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner, along with other accused person, was selling banned tobacco products to the public, including school-going children, and that A2 is the owner of the vehicle bearing Registration No.TN-76-T-1144, on which the accused persons were selling the banned tobacco products. He further submits that the petitioner has one previous case, which is similar in nature. He also submits that A2 was already arrested and is still in custody, while A3 was arrested and later released on bail by this Court. He further submits that if the petitioner is enlarged on bail, he may commit similar offence and endanger the health of the public, particularly school-going students. Hence, 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 25.02.2025 and has been in judicial custody since then. The respondent-police seized the vehicle bearing Registration No.TN-76-T-1144 and the contraband (51.750 kgs of banned tobacco products) from the petitioner (A1) and A2. A2 is the owner of vehicle. The petitioner has one previous case, which is similar in nature. However, in view of the offence allegedly committed by the petitioner, this Court is of the opinion that further custody of the



WEB COPY

petitioner is not necessary in this case. Considering the cumulative circumstances and considering the period of incarceration and with a view to give one more 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.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, 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 his residential address and mobile number to the learned Judicial Magistrate, Tenkasi;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 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 which 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



CRL OP (MD) No.5531 of 2025

evidence; and

WEB COPY

(viii) On breach of any of the aforementioned conditions, the 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/-
25/03/2025

/ TRUE COPY /

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

mbi

TO

- 1.The Judicial Magistrate, Tenkasi.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.



CRL OP (MD) No.5531 of 2025

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.MOHAMED SHERBUDEEN, Advocate (SR-3403[I] dated
25/03/2025)

ORDER
IN
CRL OP(MD) No.5531 of 2025
Date :25/03/2025

MK/SAR /25.03.2025 6P/7C

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