



CRL OP (MD) No.5520 of 2025

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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.5520 of 2025

1.K.Ravikumar

2.R.Arunkumar

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thallakulam Police Station,
Madurai District.

Crime No.262 of 2025

... Respondent/ Complainant

For Petitioners : Mr.K.Karansingh

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.262 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 petitioners on 21.03.2025

<https://www.mhc.tn.gov.in/judis> under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant bail.

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2. The petitioners/ A1 & A2 were arrested and remanded to judicial custody on 01.03.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6(b) and 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.262 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 01.03.2025, at about 07:15 a.m., when the defacto complainant, Sub-Inspector of Police, along with his police team, was conducting a vehicle check-up on the northern side of Race Course in Thallakulam, they intercepted a TATA Ace vehicle bearing Registration No.TN-31-BA-4167 driven by the first petitioner/ A1, while the second petitioner/ A2 was sitting in the front seat of the vehicle. Upon searching the vehicle, they found two white gunny bags containing 106 bundles of Ganesh 701 Tobacco, weighing a total of 28 kgs. The police arrested the petitioners and seized the vehicle along with the banned tobacco products from them. Hence the case.

4. Mr.K.Karansingh, the learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submitted that the petitioners have been in judicial custody since 01.03.2025 and are ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to



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the petitioners.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners are relatives and that each of them has one previous case, which is not similar in nature. He further submits that the first petitioner is the owner of a petty shop. He also submits that if the petitioners are enlarged on bail, they may commit similar offence and endanger the health of the public by selling banned tobacco products. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 01.03.2025 and are still in judicial custody. It is stated that the petitioners are relatives and that the first petitioner is running a petty shop. The respondent-police seized the contraband (28 kgs of banned tobacco products) from the petitioners. The petitioners have no previous cases similar to the present case. Further, the petitioners have a permanent residence and deep roots in society, and therefore, there is less possibility of absconding. Considering the same, and also taking into account the nature of the offences allegedly committed by the petitioners and the period of incarceration, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to



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the petitioners subject to the following conditions:

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(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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.II, 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 No.II, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Madurai;

(iv) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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, the learned Judicial Magistrate No.II, Madurai is entitled to pass appropriate orders against the petitioners 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



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[(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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25/03/2025

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/03/2025
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 JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB PRISON, MADURAI.

4.The Inspector of Police,
Thallakulam Police Station,
Madurai District.

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

+1 CC to M/s.K.KARANSINGH, Advocate (SR-3394[I] dated 25/03/2025)

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



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ORDER

IN

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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