



CRL OP (MD) No.5635 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5635 of 2025

Syed Abuthakir

... Petitioner/Sole accused

Vs

The State of Tamil Nadu

Rep. by the Inspector of Police,

Devakottai Taluk Police Station,

Sivagangai District.

Crime No.95 of 2025

.. Respondent/Complainant

For Petitioner : Mr.K.Kaleeswaran, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.95 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 24.03.2025 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 18.03.2025 for the alleged offences punishable under Sections 123 of Bharatiya Nyaya Sanhita, 2023 and Section 24(1) of the Cigarette and other Tobacco Products

Act, 2003 in Crime No.95 of 2025 on the file of the respondent-police.

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



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3. The case of the prosecution is that, based on secret information, on 18.03.2025, at about 06:00 a.m., when the respondent-police were on surveillance near Uthaiyachi Junction, they found that the petitioner herein was illegally in possession of 45 packets of banned tobacco products, weighing about 1.5 kgs. Hence the case.

4. Mr.K.Kaleeswaran, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner. He further submits that the investigation of this case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and cause a delay in the investigation proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 18.03.2025, and he has been in judicial custody since then. Considering the same and also considering the facts that the petitioner is a petty shop owner and has a permanent



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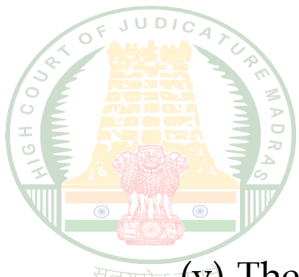
residence, and therefore, there is less possibility of absconding, and taking note of the fact that there is no previous case pending against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, this Court 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, Devakottai;

(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, Devakottai 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, Devakottai;

(iv) The petitioner shall appear and sign before the respondent-Police weekly twice ie., on every Monday and Friday at 10.00 a.m., until further orders;



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(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 evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Devakottai 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/-
26/03/2025

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26/03/2025
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE, THIRUPATHUR SUB JAIL, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE, DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.5635 of 2025

Date :26/03/2025

RS/IT/SAR-(26.03.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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