



CRL OP (MD) No.5879 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Muthamilselvan

... Petitioner/ Sole accused

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Ammapettai Police Station,  
Thanjavur District.  
(Crime No 91 of 2025)

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu  
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.91 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 27.03.2025 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 18.02.2025 for the alleged offences punishable under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(i) of Cigarette and other Tobacco Products Act, 2003, in Crime No.91 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, upon receiving secret information, on 18.02.2025, the respondent-police conducted a search in the petitioner's shop. During the search, the respondent-police found that the petitioner was in possession of 17.469 kg of banned tobacco products. The respondent-police seized the banned tobacco products along with a sum of Rs.10,420/- allegedly earned from selling them. Hence, the case.

4. Mr.B.Jameel Arasu, learned counsel appearing for the petitioner, submits that



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the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 18.02.2025 and is ready to abide by any stringent 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 (Criminal Side) appearing for the respondent-police, submits that the petitioner runs a petty shop and has seven previous cases, which are similar in nature. He further submits that the investigation is still pending, and therefore, at this stage, if the petitioner is released on bail, he may abscond, delay the investigation, commit similar offense, and endanger public health. 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 on 18.02.2025 and has been in judicial custody since then. In view of the offence allegedly committed by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary in this case for the Investigation Agency. Further, the petitioner runs a petty shop and has



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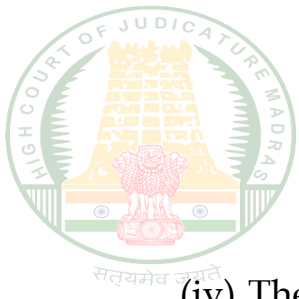
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permanent residence. Therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and with a view to give one more opportunity to the petitioner, this Court is inclined to grant bail to the 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, Papanasam, Thanjavur District;

(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, Papanasam, Thanjaavur District 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, Papanasam, Thanjavur District;



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(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Papanasam, Thanjavur District, on all working days, at 10:30 a.m. and 5:00 p.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 evidence;

(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate, Papanasam, Thanjavur District 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/-

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE  
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, THIRUCHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE,  
AMMAPETTAI POLICE STATION,  
THANJAVUR DISTRICT.



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

ORDER  
IN  
CRL OP(MD) No.5879 of 2025  
Date :01/04/2025

SS/SAR- /01/04/2025/ 7P/6C

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