



CRL OP (MD) No.5730 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mohammed Sabibulla

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
Crime No.24/2025

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar
Advocate

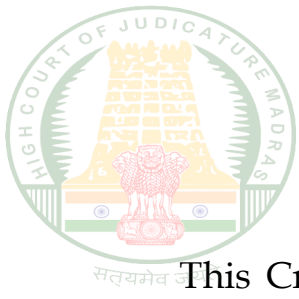
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

C-33B For Bail in Crime No.24 of 2025 on the file of the respondent - Police.

ORDER : The Court made the following order :-
<https://www.mhc.tn.gov.in/judis>



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This Criminal Original Petition has been filed by the petitioner on 25.03.2025 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 01.03.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6(a), 24(1) of the Cigarette and other Tobacco Products Act, 2003, in Crime No.24 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 01.03.2025, at about 11:00 a.m., when the respondent-police were on surveillance, based on secret information, they went to a grocery shop at Thalanur. At that time, A1 attempted to escape from the place. However, the respondent-police apprehended him. On search, the respondent-police found that A1 was in possession of 12.800 kgs of banned tobacco products in the shop for sale to the public. Based on the confession of A1, the petitioner has been arrayed as A2 and was arrested on 01.03.2025. Hence the case.

4. Mr.T.Lenin Kumar, 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 further submits that the petitioner has been in judicial custody since 01.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to



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grant bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. side) appearing for the respondent-police, submits that there are three previous cases pending against the petitioner. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and delay the investigation. 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 01.03.2025, and he has been in judicial custody for more than 25 days. 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 nature of offence allegedly committed by the petitioner and 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.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, Manamelkudi;



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(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, Manamelkudi 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, Manamelkudi;

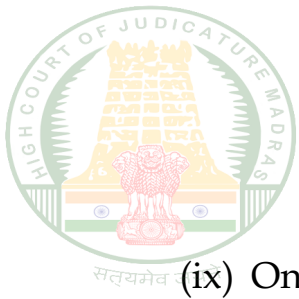
(iv) The petitioner appear and sign before the learned Judicial Magistrate, Manamelkudi weekly once ie., on every Monday at 10.30 a.m., until further orders;

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

(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 witnesses; and



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

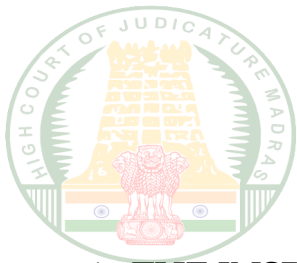
sd/-
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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

- 1 THE JUDICIAL MAGISTRATE
MANAMELKUDI, PUDUKKOTTAI.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL,
PUDUKKOTTAI.



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4 THE INSPECTOR OF POLICE
MIMISAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3545[I] dated 27/03/2025)

ORDER
IN

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Date :27/03/2025

HPS/SAR / 27.03.2025/6P/7C

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