



CRL OP (MD) No.5875 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

CRL OP (MD) No.5875 of 2025

Selvabharathi

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vallam Police Station,
Thanjavur District.
Crime No.99 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian
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.99 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/Accused No.2 was arrested and remanded to judicial custody on 06.03.2025 for the alleged offences punishable under Section 123 of BNS, 2023 r/w. Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of The Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.99 of 2025 on the file of the respondent-police.

3. The prosecution's case is that, upon receiving secret information, on 06.03.2025, at about 17:00 hours, the respondent-police were conducting a search in a vacant land outside Vijay Footwears near Vallam Bus Stand. During the search, they found that the petitioner herein, along with other accused persons, was illegally in possession of banned tobacco products, namely, Hans (20.0 g) - 93 packets, Cool Lip (12.6 g) - 14 packets, Vimal (2.5 g) - 90 packets, and Zarda (0.35 g) - 90 packets. The petitioner (A2) was arrested, while the other accused persons fled the scene. The banned tobacco products were seized. Hence, the case.



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4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner, submits that 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 06.03.2025 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 is working under A1 and has not been involved in any other case. He further submits that the investigation is still pending, and therefore, at this stage, if bail is granted to the petitioner, he may abscond, tamper with the evidence, and thereby delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the petitioner is a labourer working under A1, and that he has not been involved in any other case except the present one, and also taking into account the fact that the petitioner has a permanent residence, and there is less possibility of absconding and the period of incarceration and with a view to give



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an 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.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 No.II, Thanjavur, 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 No.II, Thanjavur, Thanjavur 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 No.II, Thanjavur, Thanjavur District;

(iv) The petitioner shall appear and sign before the respondent-police weekly once i.e., on every Sunday at 10.00 am 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;

(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 Magistrate No.II, Thanjavur, 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].



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

sd/-
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02/04/2025

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR, THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.
- 4 THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.5875 of 2025
Date :01/04/2025

SS/SAR- /02/04/2025/ 7P/6C

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