



CRL OP (MD) No.6023 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6023 of 2025

K.Thasdeen

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kottampatti Police Station,
Madurai District.
Crime No.54 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Ganesan
for M/s.Ganesan Legist Law Firm

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.54 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 28.03.2025

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



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grant bail.

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2. The petitioner/sole accused was arrested and remanded to judicial custody on 13.03.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 6(b) and 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.54 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.03.2025, at about 03.00 p.m., based on secret information, the respondent-police conducted a raid at the shop belonging to the petitioner and found that he was in possession of banned tobacco products, i.e., (i) Ganesh tobacco - 27 pouches ($27 \times 15 = 405$ pieces), (ii) Hans tobacco - 23 pouches ($23 \times 15 = 345$ pieces), (iii) Vimal Betel Nut - 54 pouches ($54 \times 30 = 1620$ pieces), (iv) V1 tobacco - 35 pouches ($35 \times 30 = 1050$ pieces), and (v) Cool Lip tobacco - 35 pouches ($35 \times 8 = 280$ pieces) in his shop for sale to the public. Hence, the case.

4. Mr.A.Ganesan, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He further submits that the petitioner has been in judicial custody since 13.03.2025 and is ready to abide by any condition 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)



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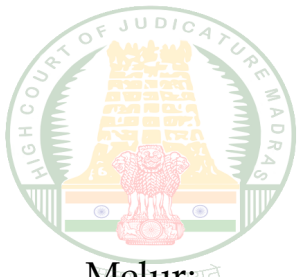
appearing for the respondent-police, submits that the petitioner was in illegal possession of 26.528 kgs of banned tobacco products in his shop for sale to the public.

He further submits that the petitioner has one previous case, which is similar in nature, and therefore, if the petitioner is enlarged on bail, he will commit similar offence and endanger the health of the public. Hence, 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 13.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Officer. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and taking note of 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.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,



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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, Melur 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, Melur;

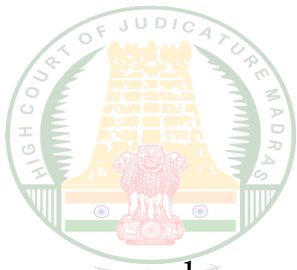
(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Melur on all working days at 10.30 a.m., until further orders;

(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; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Melur is entitled to pass appropriate orders against the petitioner in



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accordance with law as if the aforementioned conditions are imposed by him as laid
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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/-
02/04/2025

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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.

mbi

TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

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



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ORDER

IN

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Date :02/04/2025

RS/IT/SAR-(02.04.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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