



CRL OP (MD) No.6022 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.6022 of 2025

Rajasekar

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai, Madurai District.
Crime No.88 of 2025

... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

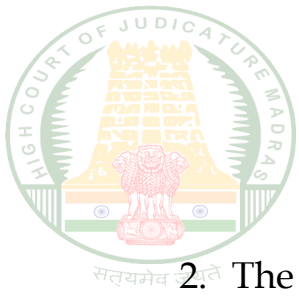
For bail in Crime No.88 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

grant bail

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



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2. The petitioner/A1 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 12 of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.88 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.03.2025, at about 02:00 p.m., the respondent-police conducted a vehicle check-up on the Dindigul-Virudhunagar four-way road at Thuvariman Junction and intercepted a car bearing Registration No.TN-95-A-0482. Upon searching the vehicle, they found that the accused persons were in illegal possession of 100 Ganesh Tobacco packets and 50 Cool Lip packets. Hence, the case.

4. Mr.A.Balaji, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the co-accused/A2 was already arrested and released on bail by the Trial Court. 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) appearing for the respondent-police, submits that the petitioner along with another



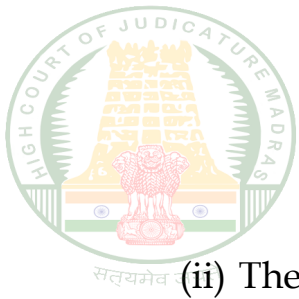
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accused person was arrested on 13.03.2025 with contraband (27.540 kgs of banned tobacco products). He further submits that the petitioner has one previous case, which is also similar in nature, and therefore, if the petitioner is enlarged on bail, he will commit the similar offence. 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 offence allegedly committed by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency. The petitioner has permanent residence, and 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 No.VI, Madurai;



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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 No.VI, Madurai 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.VI, Madurai;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.VI, Madurai 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 No.VI, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by



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him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala

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[(2005) 13 SCC 283].

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.

mbi

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI, MADURAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-3796[I] dated 02/04/2025)
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ORDER

IN

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Date :02/04/2025

RS/IT/SAR-(02.04.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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