



CRL OP (MD) No.6222 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6222 of 2025

Kuttidurai

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.106 of 2025

... Respondent/Complainant

For Petitioner : Mr.M.Sankar
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.106 of 2025 on the file of the respondent-police.



CRL OP (MD) No.6222 of 2025

ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 02.04.2025 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 23.03.2025 for the alleged offences punishable under Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.106 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.03.2025, at about 14:30 hours, while the respondent-police were conducting surveillance near Murugan Kovil, Vennilingapuram, they found the petitioner behaving suspiciously. Upon seeing the police, the petitioner attempted to escape. However, the respondent-police apprehended him. Upon enquiry, it was revealed that the petitioner had hidden 4.275 kg of banned tobacco products in straw at the cow shed for sale to the public at a higher rate. Hence, the case.

4. Mr.M.Sankar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that a false case has been foisted against the



CRL OP (MD) No.6222 of 2025

petitioner. He further submits that the petitioner has been in judicial custody since 23.03.2025 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 (Crl. Side) appearing for the respondent-police, submits that there are six previous cases pending against the petitioner, four of which are similar in nature. He further submits that investigation of the case is pending, and therefore, at this stage, if bail is granted to the petitioner, he may abscond, cause delay to the investigation proceedings and commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence allegedly committed by the petitioner and also considering the quantity (4.275 kgs) of contraband recovered from the petitioner, this Court is of the view that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and 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



CRL OP (MD) No.6222 of 2025

granted to the petitioner subject to the following conditions:

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(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, Alangulam, Thenkasi 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, Alangulam, Thenkasi 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, Alangulam, Thenkasi District;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Alangulam, Thenkasi District, weekly once i.e., on every Monday at 10.30 am 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, Alangulam, Thenkasi District is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are



CRL OP (MD) No.6222 of 2025

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/-
04/04/2025

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/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,
Alangulam, Thenkasi District.
2. Do-Through The Chief Judicial Magistrate,
Thenkasi District.
3. The Superintendent,
Central Jail, Palayamkottai, Tirunelveli District.
4. The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.



CRL OP (MD) No.6222 of 2025

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SANKAR, Advocate (SR-3906[I] dated 04/04/2025)

ORDER

IN

CRL OP(MD) No.6222 of 2025

Date :04/04/2025

MK/SAR /04.04.2025 6P/7C

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