



CRL OP (MD) No.6100 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

The HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.6100 of 2025

Thiruppathi
@ Thirupathi

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
Kottampatti Police Station,
Madurai District.
Crime No.53 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.R.J.Karthick,
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.53 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 01.04.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
grant bail.

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2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 13.03.2025 for the offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6(b) and 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.53 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 13.03.2025, at about 11:00 a.m., while the respondent-police were conducting surveillance in Pallapatti Village, they found that the petitioner (A1) and A2 were in joint possession of banned tobacco products, namely, Ganesh tobacco - 32 pouches ($32 \times 15 = 480$ pieces), Hans tobacco - 11 pouches ($11 \times 15 = 165$ pieces), and Cool Lip tobacco - 2 pouches ($2 \times 8 = 16$ pieces) behind the tea stall of the petitioner (A1) for sale to the public. Hence, the case.

4. Mr.R.J.Karthick, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that



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the petitioner has been in incarceration since 13.03.2025. Therefore, he prays for
granting 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 and A2 were found in possession of 2.944 kgs of banned tobacco products. He further submits that there are two previous cases pending against the petitioner, which are not similar in nature. He further submits that if bail is granted to the petitioner, he will commit similar offence and endanger the health of the general public. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. 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 taking note of the fact that the banned tobacco products have been seized by the respondent-police and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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, Melur;

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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;

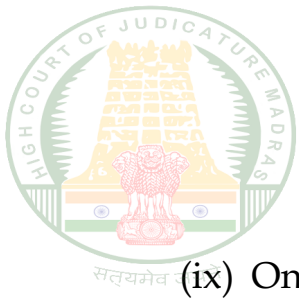
(iv) The petitioner shall appear and sign before the respondent-pPolice weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders;

(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 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 public and witnesses; and



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(ix) On breach of any of the aforementioned conditions, Judicial Magistrate, Melur, 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/-
03/04/2025

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03/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg
TO

- 1 THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-3884[I] dated 03/04/2025)



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ORDER

IN

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Date :03/04/2025

NBF/SAR/ (03/04/2025) 6P/7C

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