



CRL OP (MD) No.6144 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.6144 of 2025

Bhuvaneshwaran

... Petitioner/ A5

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
Crime No.84 of 2025

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.84 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
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grant bail.

2. The petitioner/A5 was arrested and remanded to judicial custody on 25.03.2025 for the offences punishable under Sections 123 & 318(4) of Bharatiya Nyaya Sanhita, 2023 r/w. Section 20(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.84 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 25.03.2025, at about 13:30 hours, when the respondent-police were on surveillance near the bank of Kumuthankulam, the petitioner herein and other accused persons were standing with two four-wheelers bearing Registration Nos. TN-10-BE-9799 and TN-81-H-7101. On seeing the respondent-police, they attempted to escape. However, the respondent-police apprehended them. Upon enquiry, the respondent-police found that the accused persons were in joint possession of banned tobacco products, namely 20 packets of Hans (each containing 300 grams), 47 packets of Coolip (each containing 113.4 grams), and 14 packets of Vimal (each containing 10.5 grams) in their cars. Hence, the complaint.

4. Mr.D.Rameshkumar, learned counsel appearing for the petitioner, submits



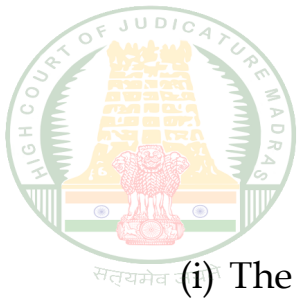
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that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 25.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are no previous cases pending against the petitioner. He further submits that investigation of the case is pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and thereby, delay the investigation and also commit similar type of offence. Accordingly, he strongly opposes to grant bail to the petitioner.

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

7. Considering the facts and circumstances of the case and also considering the facts that the petitioner has permanent residence, and therefore, there is less possibility of absconding, that the petitioner is a first offender, and that he has been in judicial custody since 25.03.2025 and with a view to give an 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:



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(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.I, Pudukkottai;

(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.I, Pudukkottai 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.I, Pudukkottai;

(iv) The petitioner shall appear and sign before the respondent- police daily at 10.00 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



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evidence; and

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(viii) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.I, Pudukkottai 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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04/04/2025

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

TRP
TO

1. The Judicial Magistrate No.I, Pudukkottai.
2. Do-Through The Chief Judicial Magistrate, Pudukkottai District.
3. The officer-in-charge, District Prison, Pudukkottai.
4. The Inspector of Police,
Pudukkottai Town Police Station, Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :03/04/2025

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

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