



Crl.O.P.(MD).No.6325 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) Nos.6325 & 6387 of 2025

Crl.O.P.(MD).No.6325 of 2025

K.Vanniyaraj .

.. Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
Crime No.291 of 2025

... Respondent/Complainant

For Petitioner : Mr.Sankar.K,
Advocate

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



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Crl.O.P.(MD).No.6387 of 2025

David Selvam

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
Crime No.291 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Senthil Sankara Natha Kumar
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :-

For bail in Crime No.291 of 2025 on the file of the respondent-police.

COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 03.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

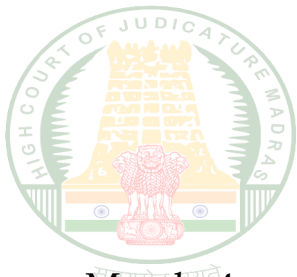


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2. The petitioners / Accused Nos.2 and 3 were arrested and remanded to judicial custody on 19.03.2025 for the alleged offences punishable under Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of Cigarette and Other Tobacco Product Act, 2003, in Crime No.291 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 19.03.2025, at about 10.00 a.m., near Mappilaioorani Vilakku, Thoothukudi, the defacto complainant, who is the Inspector of Police, along with his police team, was conducting a vehicle check-up. During the inspection, they intercepted a two-wheeler [Activa] bearing Registration No.TN-59-BE-7783 ridden by Accused No.1. On seeing the police, the Accused No.1 attempted to fly from the spot. However, the respondent-police apprehended him. On search, the police found that Accused No.1 was transporting banned tobacco products, namely, Ganesh 701-20 packets, Cool Lip-24 packets, Vimal Panmasala-15 packets, V1 Tobacco-50 packets. The police seized the prohibited tobacco products and the alleged vehicle from him. Based on the confession statement given by Accused No.1, the police team proceeded to another location at 10.30 a.m., where they arrested Accused No.2 and recovered Ganesh 701-24 packets, Cool Lip-14 packets, Vimal Pan



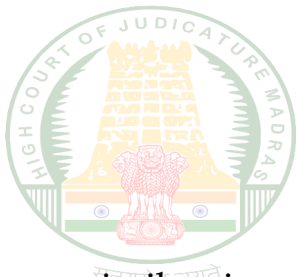
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Masala-4 packets, V1 Tobacco-20 packets from his shop. Subsequently, based on the confession statement given by Accused Nos.1 and 2, the police team proceeded to another location at 11.15 a.m., where they arrested Accused No.3 and recovered Ganesh 701-22 packets, Cool Lip-13 packets, Vimal Pan Masala-3 packets, V1 Tobacco-12 packets from his shop. Hence, the case.

4. Mr.K.Sankar and Mr.S.Senthil Sankara Natha Kumar, learned counsel appearing for the petitioners, submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. They further submit that the petitioners have been in judicial custody since 19.03.2025 and are ready to abide by any conditions that may be imposed by this Court. Accordingly, they pray to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the banned tobacco products and alleged vehicle have been recovered from the accused persons. He further submits that there are four previous cases pending against Accused No.2/ petitioner in Crl.O.P (MD).No.6387 of 2025, and there are four previous cases pending against Accused No.3/ Petitioner in Crl.O.P (MD).No.6325 of 2025 and all the cases are



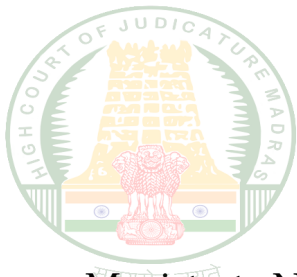
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similar in nature against these petitioners, and therefore, if the petitioners are enlarged on bail, they will commit similar offence and endanger the health of the general public. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners were arrested on 19.03.2025 and have been in judicial custody since then. In view of the nature of offences allegedly committed by the petitioners and the alleged banned tobacco products and the vehicle have been seized from the accused person, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigation Agency in this case. Further, the petitioners have permanent residence, and hence, there is less possibility of absconding. Considering the same and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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



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Magistrate No.III, Thoothukudi;
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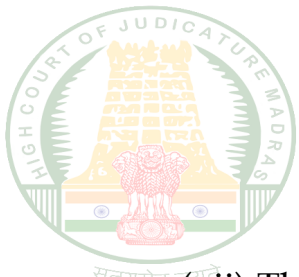
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.III, Thoothukudi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Thoothukudi;

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders;

(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;



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(vii) The petitioners 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 them 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.III, Thoothukudi is entitled to pass appropriate orders against the petitioners 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, these Criminal Original Petitions are allowed subject to the conditions stated supra.

sd/-
07/04/2025

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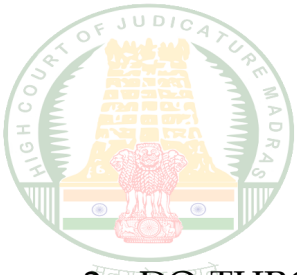
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI



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2. DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.

4. THE OFFICER IN CHARGE,
SUB JAIL, THOOTHUKUDI.

5 THE OFFICER IN CHARGE,
PEROORANI, THOOTHUKUDI

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

+1 CC to M/s.K.SANKAR, Advocate (SR-3984[I] dated 07/04/2025)

ORDER
IN

CRL OP(MD) No.6325 of 2025

Date :07/04/2025

AS (07/04/2025) 8P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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