



CRL.OP(MD).No.6519 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT
THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6519 of 2025

Abdul Salam

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Crime No.89 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.89 of 2025 on the file of the respondent-police.

For Petitioner : Mr.D.Rameshkumar,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for



CRL.OP(MD).No.6519 of 2025

the offence punishable under Sections 123 of BNS, 2023 and Section 20(1) of the
WEB COPY
Cigarettes and Other Tobacco Products (Prohibition of Advertisement and
Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003,
in Crime No.89 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 02.04.2025 at around 01.00 p.m., the
respondent-police along with his team were on routine patrol duty where they
spotted A1 and A2 attempted to escape upon seeing them. They were apprehended,
and during the enquiry, they confessed that the petitioner was running a grocery
shop at Pudukkottai and had purchased banned tobacco products from Karnataka
for sale in Tamil Nadu with the help of A1 and A2. Based on their confession, the
petitioner's name was implicated in this case.

4. Mr.D.Rameshkumar, the learned counsel for the petitioner, submits that the
petitioner is an innocent person and he has not committed any offence as alleged by
the prosecution and he has been falsely implicated in this case. He, however,
submits that the petitioner is ready to abide by any conditions to be imposed by this
Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal
Side) appearing for the respondent-police, submits that there are totally three
accused persons in this case and the petitioner has been arrayed as A3. He further



CRL.OP(MD).No.6519 of 2025

submits that A1 and A2 were arrested and still in custody. He further submits that there are five previous cases against the petitioner in similar nature. He further contends that if pre-arrest bail is granted to the petitioner, he will commit similar type of offence and tamper with the evidence and hence, custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the quantity of the banned tobacco products, the previous cases against the petitioner and the nature of the offence allegedly committed by the petitioner, this Court is of the opinion that if an order of pre-arrest bail is granted to the petitioner, he will commit similar type of offence and therefore, custodial interrogation of the petitioner is absolutely necessary in this case. In view of the above, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

08/04/2025

// True Copy //

/ /2025

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



CRL.OP(MD).No.6519 of 2025

pal
WEB COPY
To

- 1.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD).No.6519 of 2025
08.04.2025

BV (07/05/2025) 4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.