



CRL.OP(MD). No.6518 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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Kadhar @ Muthupandi

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Thirumangalam Town Police Station,  
Madurai District.  
(Crime No.99 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.99 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Sathishkumar,  
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



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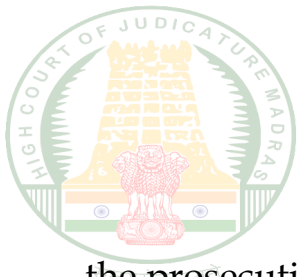
to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 286, 123 of BNS, 2023 and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.99 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is the Sub-Inspector of Police attached to the respondent police station, preferred a complaint alleging that on 21.03.2025, at about 12:30 hours, while he was at the police station, he received reliable information that the accused had rented a house on Somasuntharam Street, near Vallitheivanai Mahal, and was engaged in the sale of tobacco products prohibited by the Government. Acting on the said information, the defacto complainant, along with other deputed police personnel, proceeded to the said location. On noticing the presence of the police, the accused absconded from the premises. Thereafter, the defacto complainant and the accompanying police personnel entered the house and conducted a search, during which they recovered various tobacco products valued at approximately Rs. 61,000/-. Subsequently, the defacto complainant seized the said contraband and lodged the present complaint.

4. Mr.K.Sathishkumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by



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the prosecution. He further submits that the petitioner 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. Accordingly, he prays to grant an order 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 the accused person was found in possession of banned tobacco products. He further submits that there are no previous cases against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he will abscond and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thirumangalam, within a period of 15 days from the date on which the order copy



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is made ready, on executing a bond for a sum of 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, Thirumangalam.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Head Master, Government Higher Secondary School, Sathirakudi, Ramanathapuram District (Account No:- 11555089384, IFSC Code:- SBIN0002268), without prejudice to his rights and contentions before the Trial Court. Only upon deposit, the learned Magistrate shall accept the sureties.

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(v) The petitioner shall make himself available for interrogation by a police officer as and when required.

i) The petitioner shall not, directly or indirectly, make any inducement, threat or



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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.

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(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(viii) The petitioner shall not leave India without the previous permission of the Court.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, 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/-  
08/04/2025

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/04/2025  
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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TO  
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- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
  - 3 THE HEAD MASTER,  
GOVERNMENT HIGHER SECONDARY SCHOOL,  
SATHIRAKUDI, RAMANATHAPURAM DISTRICT.
  - 4 THE INSPECTOR OF POLICE  
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.
  - 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS  
HIGH COURT, MADURAI.
- +1 CC to M/s.K.SATHISH KUMAR, Advocate ( SR-4185[I] dated 09/04/2025 )

ORDER  
IN  
CRL OP(MD) No.6518 of 2025  
Date :08/04/2025

NBF/SAR /30.04.2025 6P/7C

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