



CRL OP(MD). No.6548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 23/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Maheshwaran @ Makeshwaran ... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
Crime No. 147/2025.

... Respondent/Complainant

For Petitioner : Mr.M. Ramesh
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 147 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 04.04.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner / sole accused apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of BNS, 2023 in Crime No.147 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 25.03.2025, at about 22.30 hours, when the respondent - Police was in routine surveillance, they intercepted the vehicle of the petitioner bearing Regn.No.TN 72 BU 7589 and found that the petitioner herein was illegally found in possession of 30 bundles of Ganesh 701 Tobacco (each weighing about 225 grams) totalling weighing 6.750 Kg. Hence, the case.

4. Mr.M.Ramesh, the learned counsel appearing 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*, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case



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pending against the petitioner. He further submits that both the Tobacco Product and the Two-Wheeler used were seized by the respondent – Police. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit similar offences. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that the Two wheeler and the Tobacco products seized by the respondent - Police, this Court is of the view that custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the above, and also considering the nature of offences allegedly committed by the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail 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, Cheranmahadevei 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.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, Cheranmahadevei.

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

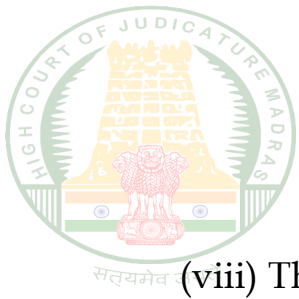
(iii) The petitioner shall appear and sign before the respondent – Police daily at 10.00 am until further orders.

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

(v) 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 them from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the prior permission of the Court.

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



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(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Cheranmahadevei .

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Cheranmahadevei or the Trial Judge 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/-
23/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1. The Judicial Magistrate, Cheranmahadevei.
2. Do-Through The Chief Judicial Magistrate, Thirunelveli District.
3. The Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.6548 of 2025
Date :23/04/2025

PP/27.05.2025 6P/5C

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