



CRL OP (MD) No.6652 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6652 of 2025

Velmurugan

... Petitioner/ A1

Vs

The State of Tamil Nadu
Rep by. The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.80 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.B.Vinothkumar
Advocate.

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

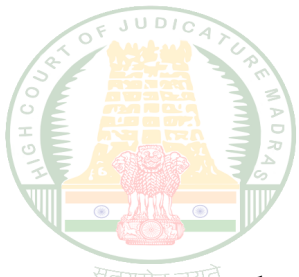
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.80 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 07.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



CRL OP (MD) No.6652 of 2025

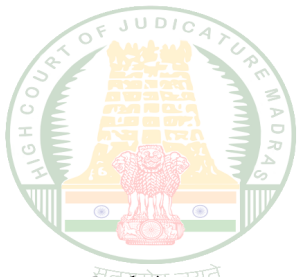
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2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 18.03.2025 for the offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 r/w sections 6 and 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.80 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 18.03.2025, at about 07:00 a.m., while the respondent-police were conducting surveillance on Namakkal-Trichy Road, near Musiri Periyar Bridge, they found that the petitioner/A1 and other accused were in joint possession of 40 kgs. of banned tobacco products in a two-wheeler bearing registration No.TN-48-AJ-8255 for sale to the public. The same was seized by the respondent-police. Hence, the case.

4. Mr.B.Vinothkumar, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in incarceration since 18.03.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal



CRL OP (MD) No.6652 of 2025

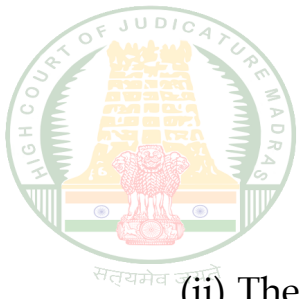
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Side) appearing for the respondent-police, submits that the petitioner and other accused were found in possession of 40 kgs of banned tobacco products. He further submits that there are two previous cases pending against the petitioner, out of which one is similar in nature. He further submits that if bail is granted to the petitioner, he will commit similar offence and endanger the health of the general public. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. In view of the offences allegedly committed by the petitioner and the fact that the two-wheeler and the banned tobacco products have been seized from the petitioner and other accused persons, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(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, Musiri, Trichy;



CRL OP (MD) No.6652 of 2025

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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, Musiri, Trichy, 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, Musiri, Trichy;

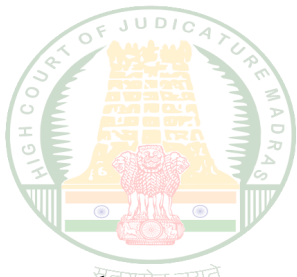
(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Musiri, Trichy, on all working days, at 10.30 a.m., until further orders;

(v) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Head Master, Government Higher Secondary School, Sathirakudi, Ramnad District (A/c No.11555089384, IFSC Code: SBIN0002268) as a donation, without prejudice to his rights and contentions before the Trial Court, and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties;

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

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) The petitioner shall not directly or indirectly make any inducement,



CRL OP (MD) No.6652 of 2025

WEB COPY

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 evidence; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Musiri, Trichy, 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/-
09.04.2025

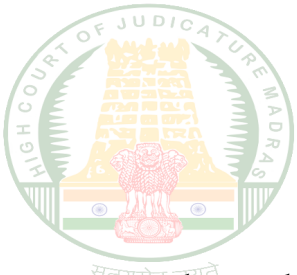
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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

To

1.The Judicial Magistrate,
Musiri, Trichy.



CRL OP (MD) No.6652 of 2025

2.Do through the Chief Judicial Magistrate,
Trichy.

3.The Superintendent,
Central Prison, Trichy.

4.The Inspector of Police,
Musiri Police Station,
Trichy District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-4178[I] dated 09/04/2025)

ORDER

IN

CRL OP(MD) No.6652 of 2025

Date : 09/04/2025

SL(09.04.2025)/ 6P/ 7C

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