



CRL OP (MD) No.6615 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.6615 of 2025

Mohamed Riyaskhan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
(Crime No.138 of 2025)

... Respondent/Complainant

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

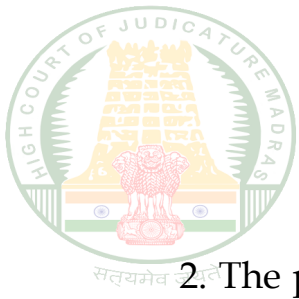
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.138 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.



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2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 25.03.2025 for the alleged offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita, 2023 and Sections 7(1) and 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.138 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 25.03.2025, the petitioner herein, along with other accused persons, illegally transported banned tobacco products, namely, Hans (201 Kgs), Coolip (19 Kgs), Vimal (40 Kgs), and Vimal Side (10 Kgs), in a two-wheeler for sale to the general public. Hence, the case.

4. Mr.S.Sankar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 25.03.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are 2 previous cases pending against the petitioner. He further submits that the banned tobacco products along with offending vehicle have been seized by the respondent-police and that the investigation of this case is still pending, and therefore, at this stage, if bail is granted



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to the petitioner, he may abscond and commit similar offence and thereby endanger the health of the public. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 25.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and taking note of the fact that the alleged banned tobacco products and the vehicle have been seized by the respondent-police, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and 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 bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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 No.II, Kumbakonam;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Kumbakonam 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 No.II, Kumbakonam;

(iv) The petitioner shall appear and sign before the respondent-Police, daily at 10.00 a.m. and 5.00 p.m., until further orders;

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

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

(vii) 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 him 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.II, Kumbakonam 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



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[(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
16/04/2025

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16/04/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE, NATCHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.6615 of 2025

Date :16/04/2025

RS//SAR-(16.04.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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