



CRL OP (MD)No.6620 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.6620 of 2025

Chetankumar

... Petitioner/ A2

Vs

The State of Tamil Nadu
Rep by. The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.119 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.B.Anandan
Advocate

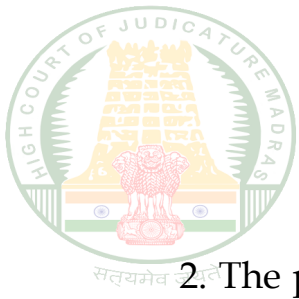
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.119 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.



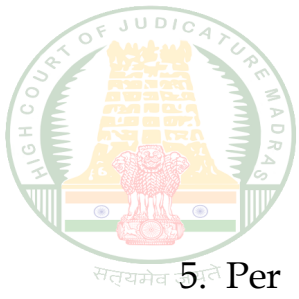
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2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 17.03.2025 for the offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.119 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 17.03.2025, at about 09:00 a.m., while the respondent-police were conducting surveillance near Sollaiappan Street, Padithurai River Bank, they found that the petitioner (A2) and other accused were in joint possession of 104 kgs. of banned tobacco products in two two-wheelers bearing Registration Nos.TN-68-A-1762 and TN-68-L-5170. The police arrested A1 and the petitioner (A2) and seized banned tobacco products and two-wheelers from them. Hence, the case.

4. Mr.B.Anandan, 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 17.03.2025. Therefore, he prays for granting bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and other accused were found in possession of 104 kgs of banned tobacco products. He further submits that there are no previous cases pending against the petitioner. He however 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 alleged tobacco products and the two-wheelers 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 deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the fact that petitioner has no previous case, and with a view to give an 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



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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 No.I, Kumbakonam;

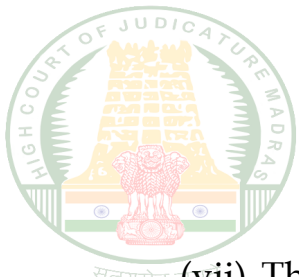
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Kumbakonam, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kumbakonam;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Kumbakonam, on all hearing 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;



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(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, 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 No.I, 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 [(2005) 13 SCC 283].

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

sd/-
09/04/2025
/ TRUE COPY /

09/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG
TO
1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.



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

3 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:
THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SATHIRAKUDI, RAMNAD DISTRICT.

+1 CC to M/s.B.ANANDAN, Advocate (SR-4156[I] dated 09/04/2025)

ORDER IN
CRL OP(MD) No.6620 of 2025
Date :09/04/2025

SA/SAR. /09.04.2025/6P/8C

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