



CRL OP (MD) No.6721 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6721 of 2025

Eswaran

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.85 of 2025

... Respondent/ Complainant

For Petitioner : Mr.M.Ramesh,
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.85 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order:

This Criminal Original Petition has been filed by the petitioner on 08.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 22.03.2025 for the offences punishable under Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.85 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.03.2025, at about 12.30 hours, based on the secret information, the respondent-police conducted a search near Subramaniapuram-Vetriyurani Road to prohibit illegal transporting and selling of banned tobacco products. At that time, the respondent-Police found that the petitioner was transporting 40.5 kgs of banned tobacco products in a Tata Car bearing Registration No.TN-22-DM-0749. The respondent-police thereafter arrested the petitioner and seized the banned tobacco products and the vehicle from him. Hence, the case.

4. Mr.M.Ramesh, learned counsel appearing for the petitioner, submits that the



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petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in incarceration since 22.03.2025 and is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner was found in possession of 40.5 kgs of banned tobacco products. He further submits that that the petitioner is the driver of the alleged vehicle. He further submits that there is no previous case against the petitioner. He however submits that if bail is granted to the petitioner, he may 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 taking note of the fact that the 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. Therefore, there is less possibility of absconding. Considering the same, 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



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the following conditions:

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(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 II, Sattur;

(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 II, Sattur 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 II, Sattur;

(iv) The petitioner shall appear and sign before the respondent-police daily at 09.00 a.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 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



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evidence; and

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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Sattur, 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/-
15/04/2025

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15 /04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE II
SATTUR

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR.



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4 THE INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6721 of 2025
Date :15/04/2025

HPS/SAR / 15.04.2025/6P/6C

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