



CRL OP (MD) No.6650 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

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1.Deepak Uikey

2.Sanjaya Kumar

... Petitioners/ A2 and A3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Bodinayyakanur Town Police Station,
Theni District.
Crime No.63 of 2025

... Respondent/Complainant

For Petitioners : Mr.K.Althaf Sheriff
Advocate
for M/s.Ajmal Associates

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.63 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 petitioners on 07.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioners/A2 and A3 were arrested and remanded to judicial custody on 22.02.2025 for the alleged offences punishable under Sections 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003, Sections 275, 123 and 112 of the Bharatiya Nyaya Sanhita, 2023 and Section 4(1-A)(ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.63 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.02.2025, at about 10:00 hours, upon receiving secret information, the respondent-police conducted a vehicle check on the Podi-Kurangani Main Road and intercepted six vehicles bearing Registration Nos.CG-17-KG-8911, MP-20-BA-6260, CG-09-JA-4467, MP-52-ZA-8426, MP-20-TA-0382, and MP-20-TA-0809. Upon search, the respondent-police found that the accused persons were in possession of 124 kgs of banned tobacco products [16.450 + 16.500 + 49.500 + 10.600 + 22.350 + 8.600] and 3.750 litres of illicit liquor stored in water bottles. The police arrested the accused persons and seized the vehicles, along with the banned tobacco products and illicit liquor. Hence, the case.

4. Mr.K.Althaf Sheriff, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. He further submits that the petitioners were arrested and have been in judicial custody



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since 22.02.2025. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation of the case is pending and the petitioners hail from Madhya Pradesh, and therefore, at the stage of investigation, if the petitioners are enlarged on bail, they may abscond and delay the investigation. Accordingly, he strongly opposes to grant bail to the petitioners.

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

7. In view of the nature of offence allegedly committed by the petitioners and the vehicles, along with the banned tobacco products and illicit liquor, have been seized by the respondent-police, this Court is of the considered opinion that further custody of the petitioners is not necessary in this case for the Investigating Agency. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten



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Thousand only) to the satisfaction of the learned Chief Judicial Magistrate Court,
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Bodinayakanur, Theni District;

(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 Chief Judicial Magistrate Court, Bodinayakanur, Theni District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Chief Judicial Magistrate Court, Bodinayakanur, Theni District;

(iv) The petitioners shall appear and sign before the respondent-police daily at 08.00 am until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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 their 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 Chief



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Judicial Magistrate Court, Bodinayakanur, Theni District/Trial Court, is entitled to
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pass appropriate orders against the petitioners in accordance with law as if the
aforementioned conditions are imposed by them 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 CHIEF JUDICIAL MAGISTRATE,
BODINAYYAKANUR, THENI DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

3 THE INSPECTOR OF POLICE,
BODINAYYAKANUR TOWN POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-4146[I] dated 09/04/2025)



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ORDER

IN

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Date :09/04/2025

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

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