



CRL.OP(MD).No.6897 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6897 of 2025

Kathirvel Murugan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.436 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.436 of 2024 on the file of the respondent-police.

For Petitioner : Mr.B.N.Raja Mohamed,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 15.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Sections 24(1) of the Cigarette and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.436 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 12.10.2024, at about 10:00 a.m., the defacto complainant-Sub Inspector of Police, while patrolling along with a police team to curb the menace of illegal sale of banned tobacco products and ganja, observed the 1st accused, residing at Pillaiyarkovil Street, Alagapuri Babanasapuram, engaged in the sale of banned 'Ganesh' tobacco products in her shop. Pursuant to the said observation, the de-facto complainant recovered two plastic bags containing 50 packets of 701 Ganesh Tobacco, one bag containing 25 packets of 'Coolip,' and two separate packets of Ganesh Tobacco. It is further stated that the said banned tobacco products were supplied to the 1st accused by the



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petitioner, who is her nephew. Hence, the case.

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4. Mr.B.N.Raja Mohamed, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been implicated only based on the confession statement of A1. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that this is the third petition filed by the petitioner seeking pre-arrest bail. He further contends that if pre-arrest bail is granted, the petitioner will commit similar type of offence and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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7. The earlier pre-arrest bail application filed by the petitioner was already dismissed on merits by this Court in Crl.OP(MD).No.18202 of 2024 on 29.10.2024.

The relevant portions are extracted hereunder:-

“4. Considering the nature of allegation in the case that the banned tobacco products was recovered from A-1, who is said to have mention that the petitioner herein, who is her brother's son is only coming and purchasing the products from Senkottai and therefore, the nature of allegation requires custodial interrogation as to find out who is the supplier, this is not a fit case for grant of anticipatory bail.

5. Accordingly, this Criminal Original Petition is dismissed.”

Subsequently, the petitioner filed a second pre-arrest bail petition in Crl.OP(MD). No.21099 of 2024, which was also dismissed by this Court on 03.12.2024 on the ground that there was no change in circumstances. Thereafter, the present petition has been filed. When this case is taken up for hearing today, this Court specifically put a question to the learned counsel for the petitioner to state about the alleged change in circumstances. However, the learned counsel is unable to provide



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satisfactory reason. Hence, it is clear that there is no change of circumstances in this petition. Therefore, this Court is of the view that successive pre-arrest bail application without any change in circumstances is not maintainable.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
17/04/2025

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/05/2025

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

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To

1.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

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



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ORDER
IN
CRL OP(MD) No.6897 of 2025
Date :17/04/2025

VN/16.05.2025 6P/3C

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