



CRL OP (MD) No.6873 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.6873 of 2025

B.Muthukumar

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
Crime No.291 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Arun Ramnath
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.291 of 2025 on the file of the respondent- Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 19.03.2025 for the offences punishable under Sections 123 of 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.291 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 19.03.2025, at about 10:00 a.m., while the respondent-police were conducting a vehicle check-up near Thoothukudi-Mappillaioorani Junction, they noticed the petitioner standing with a two-wheeler bearing Registration No.TN-59-BE-7783 and a gunny bag. Upon enquiry and search, the respondent-police found that the petitioner was in possession of banned tobacco products, namely, Ganesh - 20 packets, Cool Lip - 24 large packets, Vimal - 15 packets, and V1 tobacco - 50 packets. The respondent-police arrested the petitioner (A1) and seized the banned tobacco products along with the two-wheeler. Hence, the case.

4. Mr.A.Arun Ramnath, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as



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alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 19.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner. He further submits that investigation of the case is pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and thereby delay the investigation. Accordingly, he strongly opposes to grant bail to the petitioner.

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

7. The petitioner was arrested and has been in judicial custody since 19.03.2025. In view of the offences allegedly committed by the petitioner and the fact that the banned tobacco products and the two-wheeler 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 suffered by the petitioner, and taking note of the fact that the petitioner



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is a first offender and with a view to give an 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:

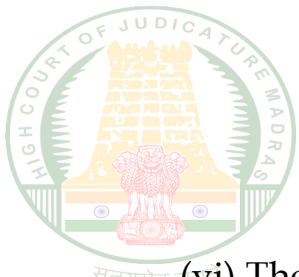
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi;

(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.III, Thoothukudi 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.III, Thoothukudi;

(iv) The petitioner shall appear and sign before the respondent- police daily at 10.00 am 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;



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(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.III, Thoothukudi 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/-
16/04/2025

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/04/2025
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 JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER-IN-CHARGE,
SUB JAIL, THOOTHUKUDI.
4. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.6873 of 2025
Date :16/04/2025

PP//SAR-(15.04.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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