



CRL OP (MD) No.7037 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 21.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Periyagurusamy

2.Gurusamy

... Petitioners/ Accused Nos.1 & 2

Vs.

The State of Tamil Nadu  
Rep. by the Inspector of Police,  
Kovilpatti West Police Station,  
Thoothukudi District.  
Crime No.163 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.Prabu  
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.163 of 2025 on the file of the respondent-police.



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**ORDER**: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 16.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioners/ A1 & A2 were arrested and remanded to judicial custody on 10.03.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.163 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 10.03.2025 at about 17:30 hours, the defacto complainant consumed Ganesh Tobacco sold by the petitioners. As he experienced dizziness thereafter, he was admitted to the hospital for treatment. Based on his complaint, the respondent-police conducted a raid near Rajiv Gandhi Nagar, 6<sup>th</sup> Street, and found the petitioners standing near a two-wheeler with a white bag containing 45 bundles of Ganesh Tobacco, each bundle containing 15 packets. The respondent-police further seized 5,775 packets of Ganesh Tobacco, 2,910 packets of Bullet Rani Tobacco, 2,100 packets of Vimal Pan Masala, and 320 packets of Cool Lip Tobacco from a house located at Rajiv Gandhi Nagar, 6<sup>th</sup> Street. Hence the case.

4. Mr.M.Prabu, learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution and that a false



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case has been foisted against them. He further submitted that the petitioners have been in judicial custody since 10.03.2025 and are ready to abide by any condition 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 (Criminal Side) appearing for the respondent-police, submits that the petitioners are brothers and that they had purchased tobacco products from another State and were selling the same in the Kovilpatti area. He further submits that the respondent-police arrested the petitioners and seized 11,760 packets of banned tobacco products. He also submits that the first petitioner has no previous case, while the second petitioner has one previous case, which is not similar in nature. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

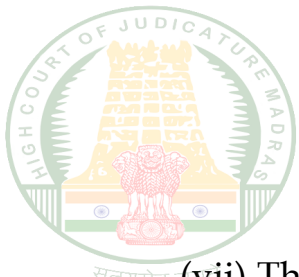
7. The petitioners were arrested on 10.03.2025 and have been in judicial custody since then. In view of the offences allegedly committed by the petitioners and considering the fact that the alleged tobacco products have been seized by the respondent-police and also considering the period of incarceration suffered by the petitioners, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigation Agency in this case. Further, the petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility



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of absconding. Considering the same and with a view to give one more opportunity  
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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 Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti;
- (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.II, Kovilpatti 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 Judicial Magistrate No.II, Kovilpatti;
- (iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.II, Kovilpatti on all working days at 10.30 a.m., 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;



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(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 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.II, Kovilpatti is entitled to pass appropriate orders against the petitioners 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/-

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Sub-Assistant Registrar (C.S.I/ II / III / IV )

Madurai Bench of Madras High Court,

Madurai - 625 023.

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1.THE JUDICIAL MAGISTRATE NO.II,  
KOVILPATTI.

2.DO - THROUGH THE CHEIF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.

3.THE OFFICER IN-CHARGE,  
SUB JAIL, KOVILPATTI,  
THOOTHUKUDI DISTRICT.

4.THE INSPECTOR OF POLICE,  
KOVILPATTI WEST POLICE STATION,  
THOOTHUKUDI DISTRICT..

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

ORDER

IN

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Date :21/04/2025

PP//SAR-(22.04.2025) 6P 6C

Madurai Bench of Madras High Court is issuing  
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