



CRL OP (MD) No.6865 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.6865 of 2025

Ashok

... Petitioner/ Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
Crime No.50 of 2025

... Respondent/Complainant

For Petitioner : Mr.M.Thiyagarajan
Advocate

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

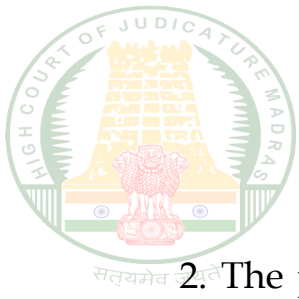
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.50 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 petitioner on 09.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



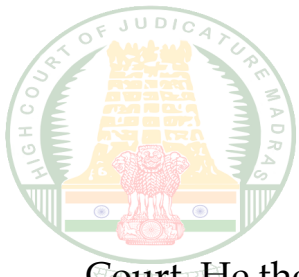
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2. The petitioner/sole accused was arrested and remanded to judicial custody on 21.03.2025 for the offences punishable under Sections 123 of Bharatiya Nyaya Sanhita, 2023 r/w. Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.50 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 21.03.2025 at about 13:00 hours, while the respondent-police were conducting a vehicle check-up near Kovilankulam Junction, they intercepted a Toyota Qualis bearing Registration No.TN-58-E-5859, driven by the petitioner. Upon enquiry and search, the respondent-police found that the petitioner was in possession of banned tobacco products weighing 20.00 kilograms in the said vehicle. The respondent-police arrested the petitioner and seized the banned tobacco products along with the vehicle. Hence, the case.

4. Mr.M.Thiyagarajan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as 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 21.03.2025 and is ready to abide by any conditions that may be imposed by this



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Court. He therefore prays to grant bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are two previous cases 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, thereby causing delay to the investigation and also commit similar type of offence. 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 21.03.2025. 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 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 with a view to give one more 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:



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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, Aruppukkottai, Virudhunagar 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 Judicial Magistrate, Aruppukkottai, Virudhunagar District 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, Aruppukkottai, Virudhunagar District;

(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;

(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



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evidence; and

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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District 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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17/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1. The Judicial Magistrate, Aruppukkottai, Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.
3. The Superintendent, Central Prison, Madurai.
4. The Inspector of Police,
Aruppukkottai Taluk Police Station, Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :16/04/2025

NBF/SAR/ (17/04/2025) 6P/6C

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