



CRL OP (MD) No.7004 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7004 of 2025

Prakash

... Petitioner/ A2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.68 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.S.Gurumoorthy,
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.68 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 15.04.2025 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 petitioner/Accused No.2 was arrested and remanded to judicial custody on 23.03.2025 for the offences punishable under Sections 275 and 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 r/w Sections 5, 7(1) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.68 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 23.03.2025, based on secret information, the respondent-police conducted a search at the A1's grocery shop and found that A1 was in possession of 225 kilograms of banned tobacco products intended for illegal sale. Based on the confession of A1 that the petitioner has supplied Tobacco products to him, this petitioner has been arrayed as A2. Hence, the case.

4. Mr.S.Gurumoorthy, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in incarceration since 23.03.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal

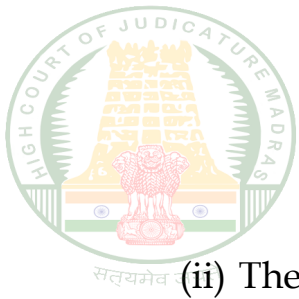


Side) appearing for the respondent-police, submits that the first accused gave a confession that the petitioner has supplied tobacco products to him. He further submits that the petitioner has two previous cases, which are similar in nature, and therefore, if bail is granted to the petitioner, he may commit similar offence and endanger the health of the general public. Therefore, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.

7. In view of the offences allegedly committed by the petitioner and taking note of the fact that the banned tobacco products 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 with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five 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 District Munsif cum Judicial Magistrate, Papanasam;



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(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 District Munsif cum Judicial Magistrate, Papanasam, 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 District Munsif cum Judicial Magistrate, Papanasam;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 09.00 a.m., 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 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 District Munsif cum Judicial Magistrate, Papanasam, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are



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imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
17/04/2025

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17/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.

4 THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.

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



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ORDER IN
CRL OP(MD) No.7004 of 2025
Date :17/04/2025

SA/SAR. /17.04.2025/6P/6C

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