



CRL OP (MD) No.7029 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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Balasubramani
@ Balasubramaniyan

... Petitioner/ Accused No.3

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Crime No.77 of 2025

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian
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.77 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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

2. The petitioner / A3 was arrested and remanded to judicial custody on 30.03.2025 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.77 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 30.03.2025, during a routine vehicle check-up near Chathipatti Junction, the respondent-police intercepted a vehicle bearing Registration No.TN-48-BT-2046. Upon conducting a search, they found that Accused No.1 was illegally transporting banned tobacco products, namely, one gunny bag of Hans and one gunny bag of Cool Lip. Subsequently, the respondent-police, along with Accused No.1, proceeded to Seethapatti, where it was discovered that Accused No.1, along with Accused No.4, had hidden additional banned tobacco products, namely, 40 gunny bags, each containing 300 grams of 50 Hans packets, 6



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gunny bags, each containing 100.8 grams of 57 Cool Lip packets, 26 gunny bags, each containing 75 grams of 52 Vimal Tobacco packets, and 26 gunny bags, each containing 10.5 grams of 52 V1 Tobacco packets. The respondent-police arrested Accused No.1 and seized the banned tobacco products along with the vehicle in question. Based on the confession of Accused No.1, the petitioner and other individuals were arrayed as accused in this case. Hence, the case.

4. Mr.N.Balasubramanian, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 30.03.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner is running a grocery shop, from which the respondent-police recovered 20.7 kg of banned tobacco products. He further submits that, in this case, a total of 850 kg of banned tobacco products has been recovered from the accused persons. He also submits that the petitioner has no previous cases. However, considering the gravity of the offence, he strongly opposes for grant of bail to the petitioner.



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6. Heard on both sides and has perused the records.

7. The petitioner is running a grocery shop, and 20.7 kg of banned tobacco products was recovered from the said shop. The petitioner has no previous cases. He was arrested on 30.03.2025 and has been in judicial custody since then. 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 already 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 him 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:

(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



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Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate,

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Thottiyam, Trichy 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, Thottiyam, Trichy 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, Thottiyam, Trichy District;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.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 which he is accused, or suspected, of the commission of which he is suspected;



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(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, Thottiyam, Trichy 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/-
21/04/2025

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22/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

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- TO
- 1 THE JUDICIAL MAGISTRATE
THOTTIYAM, TRICHY DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,,
TRICHY DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7029 of 2025
Date :21/04/2025

SS/SAR- /22/04/2025/ 7P/6C

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