



CRL.OP(MD). No.7143 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.7143 of 2025

Johnwesly

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.85 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.85 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Ramesh,
Advocate

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

ORDER : The Court made the following order :-



CRL.OP(MD). No.7143 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 16.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 123 of BNS, 2023 and Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.85 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 22.03.2025 at about 12:30 hours, the police personnel attached to the respondent police station were engaged in routine surveillance concerning the illegal transportation of prohibited tobacco products. It is further alleged that a TATA car bearing Registration No.TN-22-DM-0749, driven by the Accused No.2, was intercepted by the respondent police. Upon inspection, it was found that on the instruction of the petitioner herein, Accused No.2 was illegally transporting 15 pouches containing 156 packets of Ganesh 701 Tobacco, each weighing about 15 grams, and 8 pouches containing 55 packets of Cool Lip tobacco, each weighing about 12.6 grams, totaling a weight of 3.033 kilograms of tobacco products. Hence, the present case has been registered.



CRL.OP(MD). No.7143 of 2025

WEB COPY

4. Mr.M.Ramesh, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner herein supplied banned tobacco products to Accused No.2 for sale and provided a car to transport them. He further submits that there are no previous cases against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he will abscond and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of



CRL.OP(MD). No.7143 of 2025

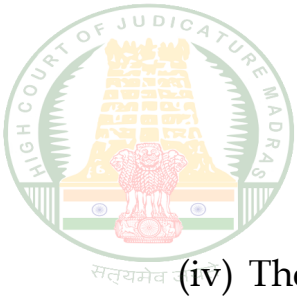
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absconding. Considering the same and also considering the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Sattur, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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.II, Sattur.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



CRL.OP(MD). No.7143 of 2025

WEB COPY

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are



CRL.OP(MD). No.7143 of 2025

imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State
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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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/05/2025
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.II,
SATTUR.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



CRL.OP(MD). No.7143 of 2025

WEB COPY

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

ORDER
IN
CRL OP(MD) No.7143 of 2025
Date :21/04/2025

VN/15.05.2025 7P/5C

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