



CRL OP (MD) No.7266 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7266 of 2025

Ganesh Kumar

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.119 of 2025)

... Respondent/Complainant

For Petitioner : Mr.B.Anandan
Advocate

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

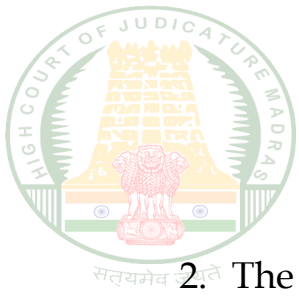
PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.119 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 17.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



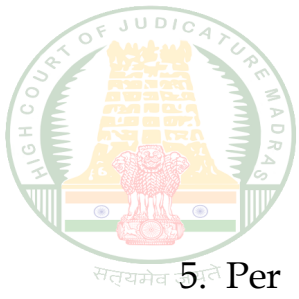
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2. The petitioner/A1 was arrested and remanded to judicial custody on 17.03.2025 for the offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 r/w. Section 24(1) of Cigarette and other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.119 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 17.03.2025, at about 09:00 a.m., while the respondent-police were conducting surveillance near Sollaiappan Street, Padithurai River Bank, they found that the petitioner (A1) and other accused were in joint possession of 104 kgs. of banned tobacco products in two two-wheelers bearing Registration Nos.TN-68-A-1762 and TN-68-L-5170. The police arrested the petitioner (A1) and A2 and seized banned tobacco products and two two-wheelers from them. Hence, the case.

4. Mr.B.Anandan, 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 17.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



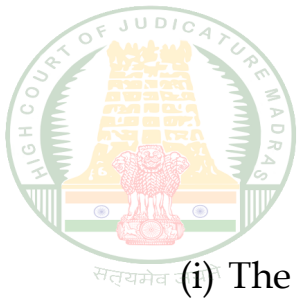
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and other accused were found in possession of 104 kgs of banned tobacco products. He further submits that there are no previous cases pending against the petitioner. He however submits that if bail is granted to the petitioner, he will 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. The petitioner was arrested on 17.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and the fact that alleged tobacco products and the two-wheelers have been seized by the respondent-police and considering the fact that A2 was already enlarged on bail by this Court vide order dated 09.04.2025 in Crl.O.P. (MD) No.6620 of 2025, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Considering the same and also considering the period of incarceration and with a view to give an 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 No.I, Kumbakonam;

(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.I, Kumbakonam 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 No.I, Kumbakonam;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Kumbakonam, on all working days 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 No.I, Kumbakonam 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/-
22/04/2025

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23/04/2025

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

TRP
TO

1. The Judicial Magistrate No.I, Kumbakonam.
2. Do-Through The Chief Judicial Magistrate, Thanjore District at Kumbakonam.
3. The Officer-in-charge, Sub Jail, Kumbakonam.
4. The Inspector of Police, Kumbakonam East 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.7266 of 2025
Date :22/04/2025

NBF/SAR/ (23/04/2025) 6P/7C

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