



CRL OP (MD) No.7307 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.7307 of 2025

Rajavel

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
Crime No.321 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulingabharathi
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.321 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



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
grant bail.

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2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 29.03.2025 for the offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023, Section 24(1) of Cigarette and other Tobacco Products Act, 2003, and Section 4(1)(c) of Tamil Nadu Prohibition Act, 1937 in Crime No.321 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 29.03.2025, at about 13:00 hours, while the respondent-police were on surveillance near Madathur Middle Street, Thoothukudi, they found the petitioner carrying gunny bags. On seeing the respondent-police, the petitioner attempted to flee from the scene. However, the respondent-police apprehended him. Upon enquiry and search of the gunny bags, the respondent-police found that the petitioner was in possession of banned tobacco products and liquor bottles, namely: Ganesh 701 tobacco - 33 large packets; Swagat Gold tobacco - 30 large packets; Vimal Panmasala - 229 large packets; V1 tobacco - 238 packets; Seamen's Brandy - 17 bottles (each containing 180 ml); Mclene Brandy - 9 bottles (each containing 180 ml); and Black Pearl - 3 bottles, all intended for sale to the public. Hence, the case.

4. Mr.K.Suyambulinga Bharathi, learned counsel appearing for the petitioner,



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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 29.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has one previous case. 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 delaying the investigation and also commit similar type of offence. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 29.03.2025 and has been in judicial custody since then. In view of the offence allegedly committed by the petitioner and taking note of the fact that alleged tobacco products and liquor bottles have been recovered by the respondent-police, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. 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



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Court is inclined to grant bail to the petitioner, however, subject to certain conditions.

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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 Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi;

(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.III, Thoothukudi 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.III, Thoothukudi;

(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



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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 No.III, Thoothukudi 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

/ TRUE COPY /

23/04/2025

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

TRP

To

1. The Judicial Magistrate No.III, Thoothukudi.
2. Do-Through The Chief Judicial Magistrate, Thoothukudi District.
3. The Officer-in-charge, District Jail, Peraoorani, Tuticorin District.
4. The Inspector of Police, SIPCOT Police Station, Thoothukudi District



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-4550[I] dated
22/04/2025)

ORDER
IN
CRL OP(MD) No.7307 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