



CRL OP(MD). No.7709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M. Jaffar Sadhik @ Jaffar Sadhick

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(In Crime No.682 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.A.Mohamed Riyaz,
Advocate

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

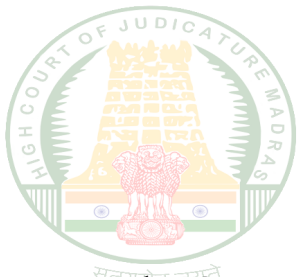
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.682/2024 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 24.04.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

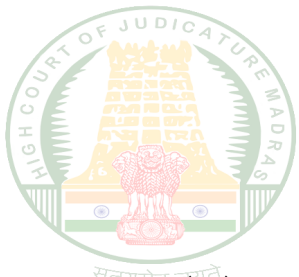
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2. The petitioner apprehends arrest at the hands of the respondent-Police for the alleged offences punishable under Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 r/w Sections 6(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.682 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 07.12.2024, at about 06.15 a.m., the Sub-Inspector of Police received a secret information that banned tobacco products are being smuggling and illegally transporting, near Kuttya Patti road, Dindigul. Immediately, at about 07.00 am., the defacto complainant, who is the Sub-Inspector of Police, along with his police team, rushed to the spot and placed the spot under surveillance. Then, the Police party intercepted One Tata Ace vehicle and one motor-cycle. On seeing the Police party, A1 and A2 fled away. The respondent-Police inspected the vehicles and seized the following quantity of banned tobacco products;-

(i) Totally 8100 pouches of Ganesh Tobacco totally weighing 121.5 kgs worth about Rs.64,800/-

(ii). Totally, 2640 pouches of Cool Lip totally weighing 33.264 kgs worth about Rs.68,840/-



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(iii). Totally 1500 pouches of Hans Chapp totally weighing 30 kgs worth about Rs.10,000/-

(iv). Totally 12300 pouches of Vimal Pan Masala totally weighing 31.980 kgs worth about Rs.49,2000/-

3.1. The total worth of all the contraband seized is Rs.1,92,640/-. Then, the respondent-Police seized the contraband along with the said vehicles. During the course of investigation, it came to light that the petitioner and other accused persons were involved in the crime. Hence, the case.

4. Mr.A.Mohamed Riyaz, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offences. He further submits that a false case has been foisted against the petitioner. He further submits that the petitioner is ready to abide by any conditions to be imposed this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioner along with other accused persons have transported 215 kgs of banned tobacco products worth about Rs.1,92,640/-. He further submits that the alleged contraband and the vehicle have been seized by the respondent-Police. He further submits that since a large quantity of contraband is involved in this case, custodial interrogation of the



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petitioner is necessary in this case to unearth the truth. He further submits that there are nine previous cases pending against the petitioner. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

6. Heard on both sides. Perused the records.

7. The petitioner and Accused Nos.2 and 3 persons had filed CrI.O.P.(MD). No.22547 of 2024 before this Court and this Court granted pre-arrest bail to Accused Nos.2 and 3 on 19.12.2024 and as regards the petitioner, the above said Criminal Original Petition was dismissed as withdrawn. Thereafter, the petitioner again moved pre-arrest bail before this Court in CrI.O.P.(MD).No.3247 of 2025 and the same was dismissed as withdrawn on 20.02.2025.

8. It is seen that the alleged occurrence took place on 07.12.2024. Till date, the respondent-Police has not taken any steps to arrest the petitioner. The conduct of the respondent-Police would show that custodial interrogation of the petitioner is not required for the investigating agency.

9. The petitioner has permanent residence and deep roots in the society, hence there is less possibility of absconding. Taking note of the fact that the prohibited tobacco products and the alleged vehicles have been already seized by the respondent-Police, and taking note of the fact that custodial interrogation of the petitioner is not necessary for the investigation agency, and with a view to give an



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opportunity to the petitioner to reform himself in the society, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

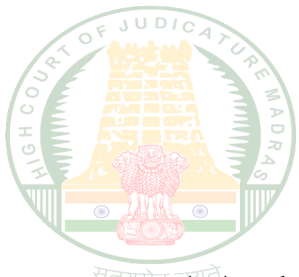
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate I, Dindigul, within a period of fifteen days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty 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 I, Dindigul;

(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 I, Dindigul, shall obtain a copy of any one = identity proof of each surety to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-Police daily at 09.00 a.m., and 05.00 p.m., until further orders;

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

(v) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate I, Dindigul;



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

(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 them from disclosing such facts to the Court or to any Police Officer;

(viii) The petitioner shall not leave India without prior permission of the Court;

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Dindigul or Trial Judge as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon-ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

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

Sd/-

28/04/2025

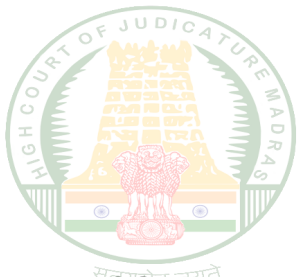
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Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1.The Judicial Magistrate I, Dindigul.

2.Do Through
The Judicial Magistrate,
Dindigul.

3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

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

ORDER
IN

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Date : 28/04/2025

BV(27/05/2025) 7P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.