



CRL OP (MD) No.7460 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

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Senthil Kumar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
(Crime No.139/2025)

... Respondent/Complainant

For Petitioner : Mr.S.Sankar,
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.139 of 2025 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 22.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 26.03.2025 for the offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.139 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, on 25.03.2025, at about 01:00 p.m., while the respondent-police were conducting surveillance near Bypass Road in Krishnapuram, they received information that the petitioner had illegally hoarded banned tobacco products in his shop. Thereafter, the respondent-police conducted a search at the tea shop, namely Sree Maha Coffee Tea Shop, and found that he was in possession of 36 kilograms of banned tobacco products in his tea stall for sale to the public. Hence, the case.



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4. Mr.S.Sankar, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in incarceration since 26.03.2025. Therefore, he prays for granting 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 was found in possession of 36 kgs of banned tobacco products in his tea shop. He further submits that there is no previous case 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 26.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and taking

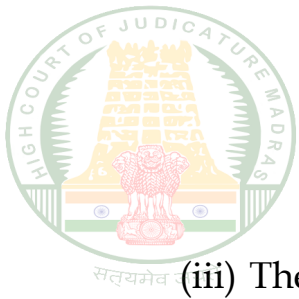


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note of the fact that the banned tobacco products have been seized by the respondent-police, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and taking note of the fact that the petitioner has no previous case and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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.II, 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.II, Kumbakonam, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Kumbakonam;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.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 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 evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Kumbakonam, is entitled to pass appropriate orders against the



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petitioner in accordance with law as if the aforementioned conditions are imposed
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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/-
24/04/2025

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

VSG

TO

1.THE JUDICIAL MAGISTRATE,
NO.II,KUMBAKONAM.

2.THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE OFFICER IN CHARGE
SUB JAIL, KUMBAKONAM.



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4. THE INSPECTOR OF POLICE,
NACHIYARKOVIL POLICE STATION,
THANJAVUR
DISTRICT.

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

ORDER IN
CRL OP(MD) No.7460 of 2025
Date :24/04/2025

PR/24.04 .2025 7P/6C

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