



CRL OP(MD). No.7778 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7778 of 2025

Emarajan

... Petitioner/ Accused Rank not known

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Tirunelveli Junction P.S.
Tirunelveli.
Cr.No.03/2023

... Respondent/ Complainant

For Petitioner : Mr.S.Kumar,
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 Cr.No.3 of 2023 on the file of the respondent-police.



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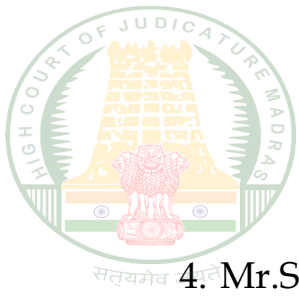
ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 24.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the alleged offences punishable under Section 328 of Indian Penal Code, 1860 and Sections 6(a), 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.3 of 2023 on the file of respondent-Police.

3. The case of the prosecution is that on 02.01.2023, at about 02.30 p.m., near Tirunelveli Railway Junction, the defacto complainant, who is the Sub-Inspector of Police, along with his police team, was conducting an inspection near the railway junction. During the inspection, the respondent-Police found 220 packets of Cool Lip Packets 175 gms each (totally containing 38.5 kgs), 190 bundles of Cool Lip, each bundle weighing 200 gms and containing 9 packets of Cool Lip (totally containing 38 kgs), 490 Packets of Ganesh Tobacco containing 330 gms (totally containing 161.7 gms). Altogether, the contraband weigh 238.2 kgs and are worth about Rs.1,63,870/-. Thereafter, the respondent-Police seized the contraband in the presence of two witnesses. Based on the confession of co-accused, the petitioner herein has been arrayed as an Accused in this case. Hence, the complaint.



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4. Mr.S.Kumar, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioner. He further submits that he is ready to abide any conditions to be imposed by 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 initially, the petitioner has not been arrayed as an accused in this case and then, based on the confession of Accused No.1, the petitioner herein has been arrayed as Accused No.3. He further submits that the banned tobacco products (contraband) have been seized by the respondent-Police. He further submits that the custodial interrogation of the petitioner is necessary in this case to unearth the truth. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

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

7. It is learnt that Accused No.1 was arrested and a confession was also recorded from him. Based on the confession, the petitioner herein added as an Accused in this case. In this case, the FIR has been registered on 02.01.2023. But, the respondent-Police has not taken any steps to arrest the petitioner till date. The conduct of the respondent-Police would show that custodial interrogation of the



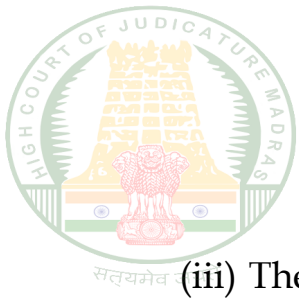
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petitioner is not required for the investigating agency in this case. Moreover, the contraband have already been seized by the Police. Further, the petitioner has permanent residence and hence, there is less possibility of absconding.

8. In view of the above as well as the facts and circumstances of the case, considering the gravity of the offences allegedly committed by the petitioner, and with a view to afford an opportunity to the petitioner to reform himself, 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 IV, Tirunelveli, 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 IV, Tirunelveli;

(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 IV, Tirunelveli, shall obtain a copy of any one identity proof of each surety to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent-Police daily at 09.00 a.m., and 06.00 p.m., until further orders;

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

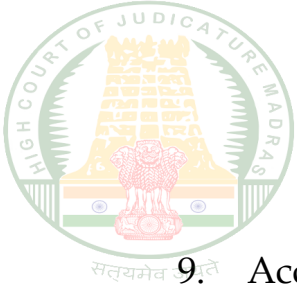
(v) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate IV, Tirunelveli;

(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 IV, Tirunelveli 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].



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

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Sd/-

28/04/2025

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/05/2025

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

TSG

TO

- 1.The Judicial Magistrate IV, Tirunelveli.
- 2.Do Through
The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
Tirunelveli Junction P.S.
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Date : 28/04/2025

KVL - (27.05.2025) 7P/ 5C

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