



CRL OP (MD) No.7830 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

CRL OP (MD) No.7830 of 2025

1. Anbuchezhiyan

2. Manokaran

... Petitioners/ Accused Nos.1&2

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No.87 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.K.Arunraj,
Advocate

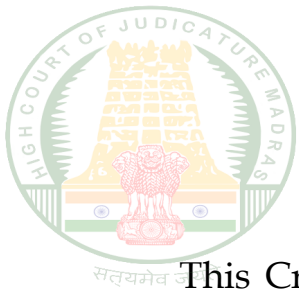
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.87 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



CRL OP (MD) No.7830 of 2025

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This Criminal Original Petition has been filed by the petitioners on 24.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners / A1 and A2 were arrested and remanded to judicial custody on 12.04.2025 for the offences punishable under Sections 123 of Bharatiya Nyaya Sanhita (BNS), 2023 r/w. Section 6(a) and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.87 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 11.04.2025, at about 05:00 p.m., when the defacto complainant, viz., the Food Safety Officer, Thottiyam Circle, Trichy, inspected the first petitioner's (A1) petty shop, they found that the first petitioner (A1) was in possession of 648 grams of Cool Lip, 750 grams of Vimal Pan Masala, and 120 grams of V1 Tobacco, totalling 1.518 kilograms of banned tobacco products, intended for sale to the public. Upon investigation, the first petitioner (A1) confessed that he had purchased the banned products wholesale and had hidden them in his brother's house, i.e., the second petitioner's (A2) house. Thereafter, the defacto complainant and other officials proceeded to the house of the second petitioner (A2), where they found that the second petitioner (A2) was in possession of 15 kilograms of Hans Tobacco. Both were arrested, and the banned tobacco products were seized and handed over to the respondent-police. Hence, the case.



CRL OP (MD) No.7830 of 2025

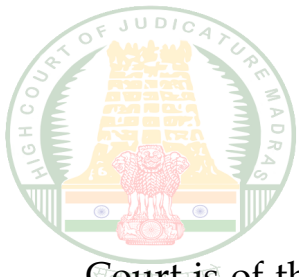
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4. Mr.K.Arunraj, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioners. He further submits that the petitioners have been in judicial custody since 12.04.2025 and are ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the contraband has been seized from the petitioners. He further submits that the first petitioner (A1) has two previous cases, which are similar in nature, and the second petitioner (A2) has no previous case. He further submits that the investigation of the case is still pending, and therefore, at this stage, if bail is granted to the petitioners, they will abscond, thereby causing delay in the investigation proceedings and will also commit similar offence, thereby endangering the health of the general public. Therefore, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

7. The petitioners were arrested on 12.04.2025 and have been in judicial custody since then. In view of the offences allegedly committed by the petitioners and the fact that the banned tobacco products have been recovered from the petitioners, this



CRL OP (MD) No.7830 of 2025

Court is of the opinion that further custody of the petitioners is not necessary for the
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Investigation Agency in this case. Considering the same and also considering the
period of incarceration and with a view to give one more opportunity to the
petitioners to reform themselves, this Court is inclined to grant bail to the petitioners,
however, subject to certain conditions. Accordingly, bail is granted to the petitioners
subject to the following conditions:

(i) Each of the petitioners 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 District Musif - cum - Judicial Magistrate, Thottiyam;

(ii) The first petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Panchayat Union Middle School, Athoor, (The Headmaster, Account No.186601000002883, IFSC Code: IOBA0002862, Branch Indian Overseas Bank - Athoor) without prejudice his rights and contentions, within a month from the date of receipt of a copy of this order and produce evidence of the payment before the learned District Munsif-cum-Judicial Magistrate, Thottiyam;

(iii) 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 District Munsif - cum - Judicial Magistrate, Thottiyam



CRL OP (MD) No.7830 of 2025

shall obtain a copy of any one of identity proofs to ensure their identity;

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(iv) The petitioners shall furnish their residential address and mobile number to the learned District Musif - cum - Judicial Magistrate, Thottiyam;

(v) The petitioners shall appear and sign before the respondent - police weekly thrice i.e., on every Sunday, Wednesday and Friday at 10.00 am until further orders;

(vi) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(viii) The petitioners 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 or tamper with the evidence; and

(ix) On breach of any of the aforementioned conditions, the learned District Musif - cum - Judicial Magistrate, Thottiyam is entitled to pass appropriate orders against the petitioners 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].



CRL OP (MD) No.7830 of 2025

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

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

TRP

To

1. The District Musif - Cum - Judicial Magistrate, Thottiyam.
 2. Do through the Chief Judicial Magistrate, Tiruchirappalli District.
 3. The officer-in-charge, Sub Jail, Musiri.
 4. The Inspector of Police, Kattuputhur Police Station, Trichy District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.ARUNRAJ, Advocate (SR-4880[I] dated 28/04/2025)

ORDER
IN
CRL OP(MD) No.7830 of 2025
Date :28/04/2025

NBF/SAR/ (29/04/2025) 6P/7C

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