



CRL OP(MD). No.8478 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.05.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.8478 of 2025

Selvaraj

... Petitioner/ Sole Accused

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(Crime No.159 of 2025)

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.159 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 06.05.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner / sole accused was arrested and remanded to judicial custody on 25.04.2025 for the alleged offences punishable under Sections 275 and 123 of BNS 2023 r/w 6(a) and 24(1) of cigarette and other Tobacco Products Act, 2003, in connection with Crime No.159 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner was standing at a place and, upon seeing the police, attempted to flee but was apprehended. He was illegally found in possession of 40 packets of Hans, each weighing 300 grams; 9 packets of Vimal, each weighing 75 grams; and 16 packets of V-I each weighing 10.5 grams, amounting to a total of 12.845 kilograms of tobacco products in a white gunny bag. He confessed that he was in possession of the said tobacco products for sale in his shop. Hence, the case.

4. Mr.S.Sathyachidambaram, the learned counsel appearing for the petitioner submits that the petitioner did not commit 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 25.04.2025. He however submits that



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the petitioner is ready to abide by any condition to be imposed by this Court. He therefore prays to grant bail to the petitioner.

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5. Mr.S.S.Manoj, Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner was found in illegal possession of banned tobacco products for the purpose of sale in his shop. He further submits that if bail is granted to the petitioner, he may commit the similar offence again. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 25.04.2025 and has been in judicial custody since then. Considering the nature of offences alleged against the petitioner and in view of the fact that the petitioner has no bad antecedents and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of 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 Judicial Magistrate, Viralimalai, Pudukottai District.

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Viralimalai, Pudukottai District. shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023;

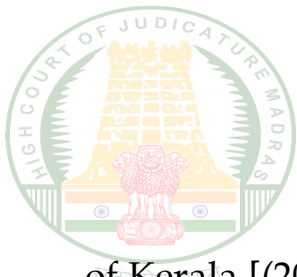
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) 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;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Viralimalai, Pudukkottai District.

(vii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Viralimalai, Pudukottai District. 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



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of Kerala [(2005) 13 SCC 283].

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

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE,
VIRALIMALAI, PUDUKOTTAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKOTTAI DISTRICT.

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



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ORDER

IN

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Date :08/05/2025

HPS/12.05.2025 /6P/6C

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