

CRL OP(MD). No.8393 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 08.05.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mahendran

... Petitioner / Accused No.3

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No. 132 of 2025)

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar

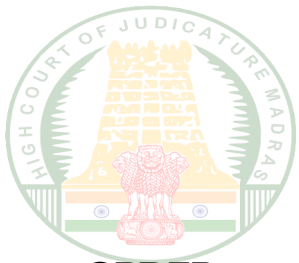
For Respondent : Mr.S.S.Manoj

Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No. 132 of 2025 on the file of the respondent-police.



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ORDER :

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The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.05.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ accused no.3 was arrested and remanded to judicial custody on 25.04.2025 for the alleged offences punishable under Sections 123 of the BNS r/w. 24(1) of Cigarette and other Tobacco Products Act, 2003 on the file of the respondent-police.

3. The case of the prosecution is that on 25.04.2025, at about 07.00 a.m., based on secret information, the respondent police, along with other police officials, conducted an inspection near Peat Grow India Industry, near Surandai. At that time, the respondent police found that the petitioner, along with other accused persons, was illegally transporting 7 sacks of 701 Ganesh Tobacco (weighing 86.625 kg) worth approximately Rs.46,200/- and 6 sacks of Cool Lip Tobacco (weighing 34.473 kg) worth approximately Rs.71,136/- in vehicles. Hence the case.

4. Mr.P.Saravanakumar, 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. Further, he submits that



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the petitioner is an Auto driver and he has no knowledge about the smuggling of Ganja. He further submits that the petitioner has been in judicial custody since 25.04.2025. He however submits that the petitioner is ready to abide by any condition to be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Mr.S.S.Manoj, Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner along with other accused persons have illegally transported 7 sacks of 701 Ganesh Tobacco (weighing 86.625 kg) worth approximately Rs.46,200/- and 6 sacks of Cool Lip Tobacco (weighing 34.473 kg) worth approximately Rs.71,136/- in two vehicles. He further submits that the vehicles and the contraband have been recovered from the accused persons. 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 is in judicial custody since then. It is stated that the petitioner is an Auto Driver and he has no knowledge about the transportation of Ganja. Considering the nature of offences alleged against the petitioner and also considering the period of incarceration and considering the petitioner's avocation, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to



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the following conditions:

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(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 District Munsif-cum-Judicial Magistrate, Shencottai, Tenkasi District;

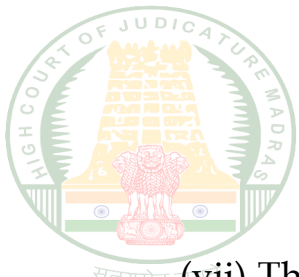
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The District Munsif-cum-Judicial Magistrate, Shencottai, Tenkasi District, shall obtain a copy of any one of identity proofs 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 District Munsif-cum-Judicial Magistrate, Shencottai, Tenkasi District;



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(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 District Munsif-cum-Judicial Magistrate, Shencottai, Tenkasi 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 of Kerala [(2005) 13 SCC 283].

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

sd/-
08/05/2025

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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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
SHENCOTTAI, TENKASI DISTRICT.



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2.DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.

3.THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

4.THE INSPECTOR OF POLICE,
ILATHUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-5461[I] dated
09/05/2025)

ORDER

IN

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Date :08/05/2025

VN/12.05.2025 6P/7C

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