



CRL OP(MD). No.8452 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.C.Mariappan,
S/o.Chellappa

2.S.Mariappan,
S/o.Subramanian

3.Vallikumar,
S/o.Ganapathi

... Petitioners/ Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No.132 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.P.Saravanakumar,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.132 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 123 of BNS, 2023 r/w. Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.132 of 2025 on the file of the respondent police, seek anticipatory bail.

2. 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.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and have not involved in any occurrence as alleged by the prosecution. The petitioners have been implicated in this case solely based on the



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confession of the co-accused, who were arrested by the respondent police. Hence, he
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seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there are totally six accused persons in this case and the petitioners have been arrayed as A4, A5 and A6. There are three previous cases against the 4th accused, whereas the 5th accused has two previous cases and the 6th accused has four previous cases. A1 is still under judicial custody. A3 has been arrested and subsequently released on bail by this Court. The entire properties have been recovered. He further submitted that there is a specific overt act against A4, as he is the one who brought the products from A2 in Kerala. Insofar as A5 and A6 are concerned, there is no specific overt act alleged against them. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and considering the specific overt act against the 1st petitioner/A4, this Court is not inclined to grant anticipatory bail to the 1st petitioner. However, considering the limited overt act against the petitioner Nos.2 and 3/A5 and A6, and also considering the fact that the co-accused was arrested and released on bail by this Court, this Court is inclined to grant anticipatory bail to petitioner Nos.2 and 3, subject to certain conditions.

6. Accordingly, petitioner Nos.2 and 3 are ordered to be released on bail in the



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event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif cum Judicial Magistrate, Shencottai, Tenkasi District on condition that petitioner Nos.2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the District Munsif cum Judicial Magistrate, Shencottai, Tenkasi District and on further conditions that:

(a) petitioner Nos.2 & 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) petitioner Nos.2 & 3 shall deposit a sum of *Rs.15,000/- (Rupees Fifteen Thousand only)* each to the credit of *the Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Virudhunagar District, Account No.:30700985498, State Bank of India, Tiruchuli, IFSC Code : SBIN0003832* as Non-refundable deposit and on such deposit being made, the learned District Munsif cum Judicial Magistrate, Shencottai, Tenkasi District shall accept the sureties furnished by the petitioners;



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(c) petitioner Nos.2 & 3 shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Shencottai, Tenkasi District. In the event of any change in their residential address, petitioner Nos.2 & 3 shall report the same to the learned District Munsif cum Judicial Magistrate, Shencottai, Tenkasi District;

(d) petitioner Nos.2 & 3 shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) petitioner Nos.2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(f) petitioner Nos.2 & 3 shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against petitioner Nos.2 & 3 in accordance with law as if the conditions have been imposed and petitioner Nos.2 & 3 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.



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7. Accordingly, this Criminal Original Petition is dismissed as against the 1st

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petitioner and allowed as against petitioner Nos.2 & 3.

sd/-

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

MKN

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
SHENCOTTAI,
TENKASI DISTRICT.

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

3 THE HEAD MASTER,
SETHUPATHI GOVERNMENT HIGHER SECONDARY SCHOOL,
TIRUCHULI,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to P. SARAVANAKUMAR Advocate SR.No.6270 (I) DT.13/06/2025

+1. CC to P. SARAVANAKUMAR Advocate SR.No.6325 (I) DT.16/06/2025



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ORDER
IN
CRL OP(MD) No.8452 of 2025
Date :12/06/2025

NM/19.06.2025 7P/7C

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