



CRL OP(MD)No.8722 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.05.2025

PRESENT

The Hon`ble Mr.Justice K.RAJASEKAR

CRL OP(MD)No.8722 of 2025

Mohamed Abdul Kather

... Petitioner

Vs

State of Tamil Nadu,
Rep. by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.107 of 2025)

... Respondent

For Petitioner	:	Mr.S.Sathyachidambaram
For Respondent	:	Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 BNSS, 2023

PRAYER :-

For Bail in Crime No.107 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 19.04.2025 for the offences punishable under Sections 275 and 123 of



CRL OP(MD)No.8722 of 2025

BNS, 2023, read with Sections 5, 7(1) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.107 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.04.2025, during patrolling duty, the respondent Police found that petitioner was in illegal possession of banned tobacco products in his shop. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 19.04.2025. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the petitioner was in illegal possession of 3.3 kg of banned tobacco products in his shop meant for retail sale. However, he fairly submits that the petitioner has no previous case.

5.Considering the facts and circumstances of the case and also considering the quantity of tobacco products involved in this case and taking note of the period of incarceration and in view of the fact that the petitioner has no previous case, this Court is inclined to grant bail to the petitioner on certain conditions.



CRL OP(MD)No.8722 of 2025

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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pabanasam, Thanjavur District;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



CRL OP(MD)No.8722 of 2025

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
PABANASAM, THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3. The Officer incharge,
Sub Jail, Pabanasam,
Thanjavur District.

4. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

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Date :14/05/2025

MK/SAR /15.05.2025 4P/6C

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