



CRL OP(MD). No.9413 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2025

PRESENT

THE HONOURABLE MS. JUSTICE R.N.MANJULA

CRL OP(MD). No.9413 of 2025

Mubarak Ali

...Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep by, the Inspector of Police,
Rajathanai Police Station,
Theni District.
Cr.No.74 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.SMA Jinnah,
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No.74 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 23.04.2025 for the offences under Section 123 of BNS and Sections 6(a), 24(1) of COTP Act, 2003 in Crime No.74 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 was found to be in possession of 2.700 kgs of banned tobacco, which had been purchased from the petitioner/A2.

Additionally, the petitioner was also found to be in possession of 12.375 kgs of



banned tobacco and further, 250.285 kgs of banned tobacco was found stored in the
WEB COPY
petitioner's godown. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 23.04.2025. He would further submit that this is the second bail application and A1 was released on bail by the learned Principal Sessions Judge, Theni in Crl.M.P.No.973 of 2025. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was in illegal possession of banned tobacco products. He would further submit that if bail is granted to the petitioner, he may commit similar offence. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that A1 was granted bail and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Aundipatty, Theni, and on further conditions that :-



CRL OP(MD). No.9413 of 2025

WEB COPY

[a] 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;

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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 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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
06/06/2025

/ TRUE COPY /

06/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.9413 of 2025

APD जयते
TO
WEB COPY

1 THE JUDICIAL MAGISTRATE,
AUNDIPATTY, THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
PERIYAKULAM SUB JAIL, THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
RAJATHANAI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-6019[I] dated 06/06/2025)

ORDER IN
CRL OP(MD) No.9413 of 2025
Date :06/06/2025

SA/SAR. /06.06.2025/4P/7C

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