

CRL OP(MD). No.10166 of 2025

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

Date : 18/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1. Pesidubas @ Peski, (M/age 25)
S/o.Siluvaikitheriyan

2. Thommai Pradeep Kumar,(M/age 30)
S/o.Siluvaikitheriyan

... Petitioners/ Accused No.9 & 10

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.248 of 2025)

... Respondent/Complainant

For Petitioners : Mr.C.Venkatesh

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.248 of 2025 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 123 of BNS Act and Section 24(1) of COTPA Act, in Crime No.248 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons have illegally transported 2400 kgs of tobacco leaves with an intend to smuggle the same to Srilanka. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged occurrence as stated by the prosecution. He further submitted that co-accused had already been arrested and thereafter, they were released on bail by this Court in Crl.O.P.(MD).No.8813 of 2025 dated 21.05.2025. He further submitted that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he seek anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that there are four previous cases pending against the petitioners and the entire contraband was



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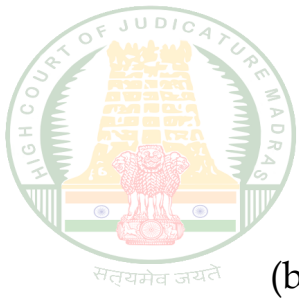
recovered. However, he opposed to grant anticipatory bail to the petitioners.

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5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the fact that the co-accused have been arrested and thereafter, they were released on bail, and also considering the fact that the material part of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Radhapuram, on condition that each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Judicial Magistrate, Radhapuram, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners 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;



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(b) each of the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the High Court Mediation Centre, attached to this Court, as Non-refundable deposit and on such deposit being made, the Judicial Magistrate, Radhapuram, shall accept the sureties furnished by the petitioners;

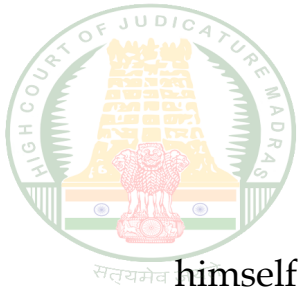
(c) the petitioners shall furnish their residential address and mobile number to the Judicial Magistrate, Radhapuram. In the event of any change in their residential address, the petitioners shall report the same to the Judicial Magistrate, Radhapuram;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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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/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
18/06/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm
To

1. The Judicial Magistrate,
Radhapuram.
2. Do Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To
The Chief Co-Ordinator,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court,
Madurai. (Soft Copy).



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ORDER

IN

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Date :18/06/2025

HPS/03.07.2025 /6P/5C

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