

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 02/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10886 of 2025

1.Dyson,
S/o.Sagayaraj

2.Dinesh,
S/o.Siluvaikitheriyan

... Petitioners/ A6 & A7

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.D.Muthupandi,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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

ORDER : The Court made the following order :-

The petitioners/A6 & A7, 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 Acts, 2003 in Crime No.248 of 2025 on the file of the respondent police, seek anticipatory bail.

2. When the matter was taken up for hearing, the learned counsel for the petitioners submitted that the 1st petitioner/A6 was arrested and remanded to judicial custody on 21.06.2025. Hence, nothing remains to be adjudicated in the present petition. Accordingly, this Criminal Original Petition is dismissed, insofar as the 1st petitioner is concerned.

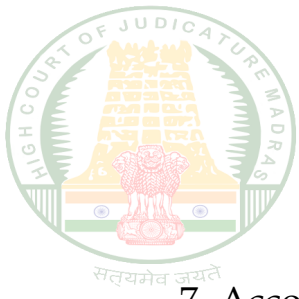
3. The case of the prosecution is that the accused illegally transported 2400 Kgs of Tobacco leaves with an intend to smuggle the same to Srilanka. Hence, the present case.



4. The learned counsel for the petitioners submitted that the 2nd petitioner is an innocent person and is in no way connected with the alleged occurrence as stated by the prosecution. He has been falsely implicated in this case. He further submitted that the 2nd petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the 2nd petitioner.

5. The learned Government Advocate (Criminal Side) submitted that the petitioners have been arrayed as A6 and A7. The 1st petitioner/A6 was arrested and remanded to judicial custody on 21.06.2025. A2 to A5 were arrested and subsequently released on bail by this Court on 21.05.2025 in CrI.O.P.(MD)No.8813 of 2025, and A9 & A10 have been granted anticipatory bail by this Court on 18.06.2025 in CrI.O.P.(MD)No.10166 of 2025. He further submitted that the entire properties have been recovered and the value of the seized tobacco products is Rs.3,15,000/-. However, he opposed to grant anticipatory bail to the 2nd petitioner.

6. Considering the facts and circumstances of the case, and also taking note of the fact that four of the co-accused were arrested and subsequently released on bail and two of the co-accused have been granted anticipatory bail by this Court, and that the entire properties have been recovered, this Court is inclined to grant anticipatory bail to the 2nd petitioner/A7, subject to certain conditions.



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7. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram on condition that the 2nd 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Radhapuram and on further conditions that:

(a) the 2nd petitioner 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) the 2nd petitioner shall deposit a sum of ***Rs.25,000/- (Rupees Twenty Five Thousand only)*** to the credit of the ***Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai***, as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Radhapuram shall accept the sureties furnished by the 2nd petitioner;

(c) the 2nd petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Radhapuram. In the event of any change in his



residential address, the 2nd petitioner shall report the same to the learned Judicial

Magistrate, Radhapuram;

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

(e) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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;

(h) if the accused/2nd petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.



8. Accordingly, this Criminal Original Petition is dismissed as against the 1st petitioner and allowed as against the 2nd petitioner.

sd/-
02/07/2025

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
RADHAPURAM.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, TIRUNELVELI

4 THE OFFICER IN CHARGE,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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

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copy to:

The Officer in charge,
Mediation and Conciliation Centre, Madurai Bench of Madras High Court,
Madurai,

ORDER

IN

CRL OP(MD) No.10886 of 2025

Date :02/07/2025

MGJ/18.07.2025 7P/ 7C

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