



CRL OP(MD). No.11272 of 2025

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

Date : 04.07.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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Senthil @ Kanagalingam,
S/o.Periyasamy Nadar

...Petitioner / Accused No.5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.159 of 2025)

... Respondent / Complainant

For Petitioner : Mr.K.Prabakaran,
Advocate.
for M/s.K.P.S.Law Associate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.159 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 petitioner / accused no.5, who was arrested and remanded to judicial custody on 18.06.2025 for the offences under Section 123 of the Bharatiya Nyaya Sanhita, 2023, read with Sections 6 and 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.159 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.06.2025 at about 05.30 a.m., when the respondent police was on regular patrolling duty they found that the petitioner along with other accused persons were in possession of banned tobacco products 1) seven sacks each containing 55 packets of 701 Ganesh Tobacco, weighing 225 grams per packet, totalling 385 packets, 2) One sack containing 52 packets of Vimal pan masala, each weighing 75 grams and 3) One sack containing 52 packets of V 1 tobacco, each weighing 10.5 grams. The total value of the seized goods worth about of Rs.54,000/- and totally tobacco products 91 kilograms and 71 grams. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner undertakes to deposit



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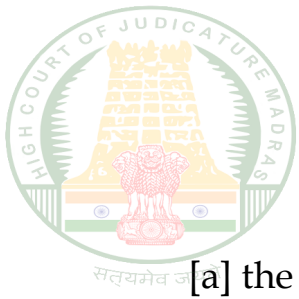
amount that may be imposed by this Court. He would further submit that the
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petitioner is in custody from 18.06.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused persons in this case and the petitioner has been arrayed as A5. He would further submit that the total value of the banned tobacco products is Rs.54,000/-. He would also submit that the alleged properties have been recovered from the accused persons. However, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also the fact that the alleged properties have already been recovered, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned District Munsif cum Judicial Magistrate, Thiruchuli, and on further conditions that:-



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[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.

[b] the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Environmental Committee operated by Registrar (Judicial), Indian Bank, Account No.7633863037, MICR Code: 625019020, CIF No:30602376727, IFSC Code: IDIBH040, High Court Branch, Madurai, without prejudice to his rights and contentions before the trial Court as Non-refundable deposit and on such deposit being made, the learned District Munsif cum Judicial Magistrate, Thiruchuli, shall accept the sureties furnished by the petitioner.

[c] the petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Thiruchuli. If the petitioner changes his residential address, he shall report the same to the learned District Munsif cum Judicial Magistrate, Thiruchuli.

[d] the petitioner shall appear and sign before the respondent police daily twice at 10.00 a.m. and 05.00 p.m. until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[g] 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].

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

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
04/07/2025

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04/07/2025
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 District Munsif cum Judicial Magistrate,
Thiruchuli.



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2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District @ Srivilliputhur.

3. The Superintendent,
Central Prison,
Madurai.

4. The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

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

Copy To

1. The Officer In-charge,
Environmental Committee,
Madurai Bench of Madras High Court, Madurai.

2. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date :04/07/2025

MK/04.07.2025 6P/8C

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