



CRL OP(MD).No.11893 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.11893 of 2025

1.Ismailkhan John @ Mohamed Khan

2.Karem Khan Mohamed Khan

: Petitioners/ A1 & A2

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.437 of 2025)

.. Respondent/ Complainant

For Petitioners : Mr.S.Mandhiralingeswaran

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.437 of 2025 on the file of the Respondent Police.

ORDER: This Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD).No.11893 of 2025

WEB COPY

The petitioners /A1 & A2, who were arrested and remanded to judicial custody on 25.06.2025 for the offences punishable under Section 24(1) of Cigarette & Other Tobacco Products Act, 2003 and Section 123 BNS in Crime No.437 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that based on the secret information, the respondent police visited the occurrence place and made search over the shop run by the petitioners, at that time, they have recovered Ganesh 701 Tobacco (15 pouches), 40 packets & cool lip filter tobacco (8 pouches) 42 packets & vimal pan masala (105 pouches) 23 packets. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners are ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioners are in custody from 25.06.2025 nearly 20 days and the petitioners are not having any previous case for similar in nature. Hence, they seek bail.

4. The learned Government Advocate (Criminal Side) would submit that based



CRL OP(MD).No.11893 of 2025

WEB COPY

on secrete information, based on the secret information, the respondent police visited the occurrence place and made search over the shop run by the petitioners and they have recovered above mentioned banned tobacco products. The respondent police seized the entire property. The properties are worth about more than Rs.49,000/-. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, the entire properties were recovered by the respondent police, the petitioners/accused are in judicial custody from 25.06.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District and on further conditions that :-

[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.



CRL OP(MD).No.11893 of 2025

WEB COPY

[b] the petitioners shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each 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 their rights and contentions before the trial Court as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District, shall accept the sureties furnished by the petitioners.

[c] The petitioners shall furnish their residential address and contact number to the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District. If the petitioners changes their residential address, they shall report the same to the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District ;

[d] the petitioners shall appear and sign before the respondent police daily at 10.30a.m. until further orders.

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

[f] the petitioners shall not tamper with evidence or witness 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 petitioner in accordance with



CRL OP(MD).No.11893 of 2025

सत्यमेव जयते
WEB COPY

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 BNS.

sd/-
15/07/2025

/ TRUE COPY /

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

das
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE, ERAL POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

copy to
THE SECTION OFFICER, ACCOUNTS SECTION, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD).No.11893 of 2025

WEB COPY

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-7628[I] dated
15/07/2025)

ORDER
IN
CRL OP(MD) No.11893 of 2025
Date :15/07/2025

NBF/SAR- /16/07/2025/ 6P/8C

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