

(2025) 12 MAD CK 0030

Madras HC

Case No: Criminal Miscellaneous Petition (MD) No. 22250 Of 2025

Ragavinoth

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 123, 269, 275
- Cigarettes And Other Tobacco Products (Prohibition Of Advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003-Section 7(1), 24(1)

Hon'ble Judges: S.Srimathy, J

Bench: Single Bench

Advocate: K.M.Karunakaran, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1.The petitioner, who was arrested and remanded to judicial custody on 28.10.2025 for the offences punishable under Sections 275, 123 of BNS r/w Sections 7(1), 24(1) of Cigarette & Other Tobacco Products Act, 2003, in Crime No.294 of 2025 on the file of the respondent police, seeks bail.

2. The prosecution's case is that the petitioner was found in illegal possession of 800 kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 28.10.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is no previous case pending against the petitioner and the property has been recovered. However, he opposed for grant of bail

to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the property has been recovered and also consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on 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 the learned Judicial Magistrate No.2, Kumbakonam, 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.

[b] the petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of The Head Master, Government Higher Secondary School, Odaipatty, Theni District, in SBI Account No.11268003539, IFSC No.SBIN0000764, State Bank of India, South Car Street, Uthamapalayam, Theni District. This fund shall be utilized for the purpose of purchasing furniture (Benches & Desks) for newly constructed class rooms under " Namakku Name" Scheme, without prejudice to his contentions and rights before the trial Court, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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].

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