



CRL OP(MD). No.10881 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10881 of 2024

K.Jahir Husain,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Perungudi Police Station,
Madurai District.

Crime No. 119/2024.

... Respondent/ Complainant

For Petitioner : Mr.A.Ananda Raja

Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023 U/s 439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 119 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 29.06.2024 for the offences punishable under Sections 328 of IPC r/w 6(B), 24(1) of COTPA Act, 2023, in Crime No.119 of 2024 on the file of the respondent police, seeks



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2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products worth about Rs.4,257/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused was already released on bail by the Court below and the petitioner is in judicial custody from 29.06.2024, hence he may be released on bail.

4..The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and the petitioner is having 3 previous cases. However, he fairly conceded that the co-accused was already released on bail by the Court below.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate Court, Thirumangalam.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar



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card or Bank Pass Book to ensure their identity;

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(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/07/2024

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19/07/2024
Sub-Assistant Registrar (A.D.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

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



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3 THE OFFICER INCHARGE,
SUB JAIL, THIRUMANGALAM.

4 THE INSPECTOR OF POLICE,
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.A.ANANDARAJ, Advocate (SR-8145[I] dated 19/07/2024)

ORDER IN
CRL OP(MD) No.10881 of 2024
Date :19/07/2024

SA/SAR. /19.07.2024/4P/C

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