



CRL OP(MD). No.11047 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

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

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Mariyasusai,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sammatividuthy Police Station,
Pudukkottai District.
Crime No.97/2024. ..

... Respondent/Complainant

For Petitioner : A.Banumathy,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 97/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 15.07.2024 for the offences punishable under Sections 123 of BNS r/w 6(a, 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.97 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 2,700 lg Kg of banned tobacco products worth about Rs.10,000/-. 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 petitioner is in judicial custody from 15.07.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 2,700 lg Kg of banned tobacco products worth about Rs.10,000/-. He would further submit that the investigation is in preliminary stage and the petitioner is having 1 previous case in similar nature. Hence, he



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vehemently, opposed to grant bail to the petitioner.

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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 District Munsif Cum Judicial Magistrate Court, Alangudi.

(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 card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the trial Court daily at 10.30 a.m., for a period of three 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



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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/-

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/07/2024

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

DSS

TO

1. The District Munsif Cum Judicial Magistrat Court,
Alangudi..
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Superintendent, District Jail, Pudukkottai..
4. The Inspector of Police,
Sammatividuthy Police Station,
Pudukkottai District. Crime No.97/2024.



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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-8308[F] dated 23/07/2024)

ORDER
IN
CRL OP(MD) No.11047 of 2024
Date : 22/07/2024

KB(22.07.2024) 5P/ 7C

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