



CRL OP(MD). No.11066 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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1. Mohamed Abdullah,

2. Chandrasekar,

3. Ganesh,

... Petitioners/ Accused Nos.1to3

Vs

The Sub Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
Crime No. 202/2024.

... Respondent/Complainant

For Petitioners : D.Rameshkumar,
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. 202 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/A1 to A3, who was arrested and remanded to judicial custody on 04.07.2024 for the offences punishable under Sections 275 and 123 of BNS r/w Section 7(1) and 24(1) of Cigarette and other Tobacco Products Acts, in Crime No.202 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners and the other accused were found in illegal possession of 245 Kg of tobacco products worth about Rs.5,00,000/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 04.07.2024. Hence, they may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary state and the first petitioner is having 3 previous cases similar in nature. Hence, he vehemently, opposed to grant bail to the petitioners.



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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 petitioners on certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[ii] the petitioners are directed to deposit a sum of Rs.5000/- (Rupees Five Thousand only) each to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai), without prejudice to his rights and



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contentions before the trial Court;

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(iii) The petitioners shall report before the respondent police daily at 10.30 a.m, until further orders;

[iv] the petitioners shall not tamper with evidence or witness;

[v] the petitioners shall not abscond during trial.

[vi] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

DSS



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TO

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1. The Judicial Magistrate, Pattukkottai,
Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, District Prison, Thanjavur..
4. The Sub Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Headmistress, Panchayat Union Primary School, Madurai East Madurai

ORDER

IN

CRL OP(MD) No.11066 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.