



CRL OP(MD). No.11247 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11247 of 2024

Kannan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Cumbum North Police Station,
Theni District.
Crime No. 199/2024.

... Respondent/Complainant

For Petitioner : Mr.R. Rajamohan,
Advocate.

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

PRAYER :- For Bail in Crime No. 199 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 06.07.2024 for the offences punishable under Sections 274, 275 and 123 BNS, 2023 r/w. Sections 6 (b) and 24(1) of Cigarette and other Tobacco Products Act, in crime No.199 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.11247 of 2024

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2.The case of the prosecution is that the petitioner was illegal possession of four while bage, which contains 165 pockets of ganesh tobacco, 335 pockets of Cool Lip, 213 pockets of Gold pan Masala and 104 pockets of Vimal pan masala, worth about Rs.11,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 06.07.2024 and hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public prosecutor would submit that the petitioner is not having any previous case and the investigation is almost completed and he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and the fact that there is no previous case, 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

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CRL OP(MD). No.11247 of 2024

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, Uthamapalayam.

(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 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] and



CRL OP(MD). No.11247 of 2024

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(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2024

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23/07/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

4 THE OFFICER IN CHARGE,
SUB JAI, UTHAMAPALAYAM.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-8348[I] dated 23/07/2024)



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CRL OP(MD). No.11247 of 2024

ORDER
IN
CRL OP(MD) No.11247 of 2024
Date :23/07/2024

RK/(23/07/2024) 5P / 7C

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