



CRL OP(MD). No.11562 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

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

CRL OP(MD). No.11562 of 2024

Gopi,
S/o.Gopal,
No.5/232, Ayyasamy Street,
Paramakudi,Ramanathapuram District.

... Petitioner/ Accused Rank No.1

Vs

The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Cr.No.112 of 2024.

... Respondent/Complainant

For Petitioner : Mr.B.Arun,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.112 of 2024 on the file of the respondent police



CRL OP(MD). No.11562 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner/ Accused, who was arrested and remanded to judicial custody on 19.07.2024 for the offences punishable under under Sections 275 and 123 BNS, 2023 r/w. Sections 7 and 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.112 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were illegally transported 106 pockets of Vimal Pan Masala, 174 pockets of Ganesh, 87 pockets of Cool Lip, 102 pockets of V-Tobacco, worth about Rs.56,000/- by using TATA Ace four wheeler. 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 19.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is not having any previous cases and the investigation is still pending. Hence, he strongly opposed to grant bail.

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.



CRL OP(MD). No.11562 of 2024

WEB COPY

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 learned Judicial Magistrate, Kamuthi, Ramanathapuram District.

(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 four 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].



CRL OP(MD). No.11562 of 2024

vi) If the accused thereafter abscond, a fresh FIR can be registered under

Section 229A IPC.

sd/-
25/07/2024

/ TRUE COPY /

/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1. The Judicial Magistrate,
Kamuthi,
Ramanathapuram District
2. Do through:
The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Superintendent,
District Jail,
Ramanathapuram.
4. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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



CRL OP(MD). No.11562 of 2024

+1 CC to M/s.B.ARUN, Advocate (SR-8575[I] dated 25/07/2024)

WEB COPY

ORDER

IN

CRL OP(MD) No.11562 of 2024

Date : 25/07/2024

SL(25.07.2024)/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.