



CRL OP(MD). No.11450 of 2024

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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.11450 of 2024

1. Kannan

2. Manivelraj

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.163 of 2024.)

... Respondent/Complainant

For Petitioners : Mr.C.Saravanakumar, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.163 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 30.06.2024 for the offences punishable under Sections 328 IPC r/w



CRL OP(MD). No.11450 of 2024

Sections 6(b) and 24(1) of Cigarettes and other Tobacco Products Act, 2003, in crime No.163 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were illegally transported 160 Kgs of Tobacco products by using Mahindra Maxi Van. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and they are in judicial custody from 30.06.2024 and hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that totally two accused and the petitioners were arrayed as A1 and A2. A1 is having one previous case and A2 is having two previous cases and the investigation is pending and hence, he strongly opposed this petition.

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

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing 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 Judicial Magistrate, Rajapalayam, Virudhunagar District.

(i)the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD). No.11450 of 2024

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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 petitioners shall report respondent police daily at 10.30 a.m., until further orders;

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

iv)the petitioners 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 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].

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

sd/-
25/07/2024

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25/07/2024
Sub-Assistant Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL OP(MD). No.11450 of 2024

To

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1.The Judicial Magistrate,
Rajapalayam, Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.

4.The Officer Incharge,
Sub Jail, Srivilliputtur,
Virudhunagar District.

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

+1 CC to M/s.C.SARAVANA KUMAR, Advocate (SR-8569[I] dated 25/07/2024)

ORDER

IN

CRL OP(MD) No.11450 of 2024

Date :25/07/2024

ED/ /SAR- (25/07/2024) 4P / 7C

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