



CRL OP(MD). No.11790 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

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

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1. Sivasubramaniyam

2. Jitendra Kumar

... Petitioners/ Accused No.2 & 3

Vs

The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
Crime No.54 of 2024.

... Respondent/Complainant

For Petitioners : Mr.A.Balaji, Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :- For Bail in Crime No.54 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 22.07.2024 for the offences punishable under Sections 275, 123, BNS (corresponding



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Sections 273, 328 I.P.C) Section 24(1) of COTPA, 2003, , in crime No.54 of 2024 on the
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file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of 1,350 Kgs of banned tobacco products.

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 22.07.2024, hence they may be released on bail.

4.The learned Government Counsel would submit that totally three accused and the petitioners are arrayed as A2 and A3 and the investigation is yet to be completed. 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 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) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Karaikudi.

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



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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 before the respondent daily at 10.30 am 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].

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

sd/-
02/08/2024

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02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The Judicial Magistrate,
Karaikudi.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.

4.The Officer Incharge,
Sub Jail, Thirupatthur, Sivagangai District.

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

+1CC to M/s.A.BALAJI, Advocate, SR No.9307(I), dated 02.08.2024

ORDER

IN

CRL OP(MD) No.11790 of 2024

Date :02/08/2024

ED/ /SAR- (02/08/2024) 4P / 7C

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