



CRL OP(MD). No.12123 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.12123 of 2024

1. Jitender Kumar @ Jithenthira Kumar

2. Banwar Lal.M

... Petitioners/ Accused 3 & 4

Vs

The Inspector of Police,
Thallakulam Police Station, Madurai.
Crime No. 739/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Muraleedharan,
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. 739 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

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03.07.2024 for the offences punishable under Sections 275, 123 of Bharathiya Nyaya Sanhita, 2023(BNS) and 24(1) of Cigarettee and other Tobacco Products Acts, in crime No.739 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners herein and other accused have illegally found in possession of 138 kgs of banned Tobacco products worth about Rs.1,39,000/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 03.07.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioners herein are not having any previous case and the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and that property has

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been recovered and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner 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 No.II, Madurai, and on further conditions that;

(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 petitioners shall report before the respondent police daily twice at 10.00 am and 5.00 pm for a period of four weeks and thereafter, as and when required for interrogation;

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

(iv) the petitioners shall not abscond during trial.



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2024

/ TRUE COPY /

30/07/2024
Sub-Assistant Registrar (CS-I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.II, Madurai
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent, Central Prison, Madurai.

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WILDCARD

4.The Inspector of Police,
Thallakulam Police Station, Madurai.

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

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-8953[I] dated 30/07/2024)

ORDER
IN
CRL OP(MD) No.12123 of 2024
Date :30/07/2024

RK (30/07/2024) 5P / 7C

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