



CRL OP(MD)No.12548 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

CRL OP(MD)No.12548 of 2024

Anbu Selvam

... Petitioner / A2

Vs

The Inspector of Police,
Theni Police Station,
Theni District.
(In Crime No.302 of 2024)

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar

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 Cr No.302 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

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



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The petitioner, who was arrested and remanded to judicial custody on 29.07.2024 for the offence punishable under Sections 6(b) r/w 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Sections 274, 275, 123 BNS Act 2023 in Cr.No.302 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons have illegally transported banned tobacco products. 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 29.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and the petitioner is having three previous cases.

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.
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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, Theni.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/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, until further orders;

[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 Judicial 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



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released on bail by the learned Magistrate/Trial Court himself as laid down by the

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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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02/08/2024

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

gns

TO

1.The Judicial Magistrate,
Theni.

2.The Chief Judicial Magistrate, Theni.

3.The Officer Incharge
District Jail,
Theni.

4.The Inspector of Police,
Theni Police Station,
Theni District.



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

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-9394[I] dated 02/08/2024)

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KB -(02.08.2024) 5P/ 7C

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