



CRL OP(MD). No.12732 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12732 of 2024

Karthick Kumar

... Petitioner/ Accused No.4

Vs.

The Inspector of Police,
Nalattinuthur Police Station,
Thoothukudi District,
Cr.No.116 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.G.Sakthi Rao

Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor (Crl.Side)

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

PRAYER :- For bail in Crime No.116 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 14.07.2024 for the offences punishable under Sections 296(b), 132, 351 (3), 123 BNS,

2023 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in crime

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



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No.116 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner herein and other accused were found in illegal possession of 50 packets of banned poisonous tobacco products and cash of Rs.15,100/-.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.07.2024.

4. The learned Public Prosecutor submits that the petitioner herein is not having any previous case. However, the investigation is almost over and therefore, bail should not be granted.

5. Considering the fact that there are no previous cases against the petitioner and he is in jail from 14.07.2024, I am inclined to enlarge the petitioner on bail.

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



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kovipatti, Thoothukudi 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 am for a period of eight weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

Sd/-

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05/08/2024

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

LS

TO

1. The Judicial Magistrate No.I,
Kovilpatti, Thoothukudi District.
2. -do through The Chief Judicial Magistrate, Thoothukudi District.
3. The Inspector of Police,
Nalattinpuhur Police Station, Thoothukudi District.
4. The Officer In-Charge, Sub Jail, Thoothukudi District.



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

ORDER
IN
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Date : 05/08/2024

RD(05/08/2024) 5P / 6C

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