



CRL OP(MD). No.13969 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13969 of 2024

Sivalingam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
SIPCOT Police Station,
Thoothukudi, Thoothukudi District.
Crime No.234 of 2024

... Respondent/Complainant

For Petitioner : M/s.Jegadeeswaran.R, Advocate.

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

PETITION FOR BAIL Under Sec.483 BNS, 2023 / 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.234 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 22.07.2024 for the offences punishable under Sections 24(1) of the Cigarettes and Other Tobacco Products Act (COTPA) of 2003 and Section 123 of BNS, 2023 in Crime No.234 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 was illegally found in possession of 123 pockets of banned Tobacco Products. Hence, the case.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4.Earlier this Court had dismissed the application filed by the petitioner taking note of the fact that the petitioner was found to be selling cool lip chocolates, which is said to spoil the young and tender age children and now, the petitioner has come out with the 2nd application, considering the fact that the petitioner is in jail from 22.07.2024 and considering the argument of the learned Counsel for the petitioner that the petitioner will file an affidavit of undertaking before the trial that he will not engage in trade of tobacco and tobacco products more specifically selling of cool lip chocolates, I am inclined to enlarge the petitioner on bail.

5.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 No.III, Thoothukudi, 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



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card or Bank Pass Book to ensure their identity;

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(ii) the petitioner shall file an affidavit of undertaking that he will not engage in trade of tobacco and tobacco products more specifically selling of cool lips chocolates;

(iii) the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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 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 229-A IPC.

sd/-
27/08/2024

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27/08/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, PEROORANI, THOOTHUKUDI.

4 THE INSPECTOR OF POLICE, SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-10377[I] dated 27/08/2024)

ORDER

IN

CRL OP(MD) No.13969 of 2024

Date :27/08/2024

RS//SAR-(27.08.2024) 4P 7C

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