



CRL OP(MD). No.13635 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13635 of 2024

1. Sundaramoorthy,

2. Karthikeyan,

... Petitioners/ Accused Nos.1&2

Vs

The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District,
Crime No.102/2024.

... Respondent/Complainant

For Petitioners : Mr.N.Mariappan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.102/2024 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who were arrested and remanded to judicial custody on 09.08.2024 for the offence punishable under Section 123 of BNS r/w Section 6(b) and 24(1) of COTP Act, in Crime No.102 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 37 kg of tobacco products. Hence, the complaint.

3.Heard both sides.

4.Since the first petitioner is having 1 previous case in similar nature, this petition is dismissed insofar as the first petitioner is concerned.

5. Insofar as the second petitioner is concerned, considering the period of incarceration and also considering the fact that there are no bad antecedent against him, this Court is inclined to enlarge the second petitioner on bail with certain conditions.



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6. Accordingly, this Criminal Original Petition is partly allowed and the second 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 Judicial Magistrate Court No.I, Sattur, Virudhunagar.

(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 second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

iv) the second 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 second petitioner in



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accordance with law as if the conditions have been imposed and the second 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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/08/2024

/ TRUE COPY /

20/08/2024
Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.I SATTUR

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR..



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4 THE INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

ORDER
IN
CRL OP(MD) No.13635 of 2024
Date :20/08/2024

SS/GS/SAR- /20/08/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023