



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13882 of 2024

1. Januram,

2. Paraseram,

... Petitioners/ Accused Nos.1&2

Vs

The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Cr.No.465 of 2024.

... Respondent/ Complainant

For Petitioners : M/s. S.Ramakrishnan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.465 of 2024 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioners/ A1&2, who were arrested and remanded to judicial custody on 09.08.2024 for the offences punishable under Sections 275 and 123 of BNS and r/w Section 24(1) of COPTA Act, 2003, in Crime No.465 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 550.50 kg of banned tobacco products. Hence, the complaint.

3.Heard both sides.

4.Considering the fact that the petitioners are in jail from 09.08.2024 and that there is no previous case against them and the argument of the learned counsel for the petitioners that the petitioners are ready and willing to file an undertaking affidavit that they will not engage in the trade of tobacco products in future, this Court is inclined to grant bail to the petitioners on certain conditions.

5.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



(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 file an undertaking affidavit before the trial Court that they will not engage in the trade of tobacco products in future. It is made clear that if any violation is found, the bail granted by this Court shall stand cancelled automatically;

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

v) the petitioners 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 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].



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

sd/-
23/08/2024

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER IN CHARGE,
SUB JAIL, THANJAVUR DISTRICT..



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

ORDER
IN
CRL OP(MD) No.13882 of 2024
Date :23/08/2024

MGJ(23.08.2024) 5P 6C

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