



CRL OP(MD). No.14087 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.14087 of 2024

1. Yuvalingaraja
2. Gururamar

... Petitioners/ Accused 1 & 5

Vs

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City and District.
(Crime No.442/2024)

... Respondent/Complainant

For Petitioners : Mr.G.Thalaimuthurasu, Advocate.

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

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

PRAYER :-

For Bail in Crime No.442/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 06.08.2024 for the offences punishable under Section 123 of BNS, 6(b), 24(1) of Cigarette and other Tobacco Products, 2003 and in crime No.442 of 2024 on the file of the respondent police, seek bail.



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2.The case of the prosecution is that the petitioners herein were illegally found in possession of 127.665 kilograms of banned Tobacco products. Hence, the complaint.

3. Heard the learned counsel for the petitioners and and the learned Additional Public Prosecutor appearing for the respondent Police.

4.Considering the nature of allegations against the petitioners and considering the argument of the learned counsel for the petitioner that the petitioners will file an affidavit of undertaking that they will never be involved in the tobacco products trade and considering the fact that there are no previous antecedents against the petitioners and considering the fact that they are in jail from 06.08.2024, I am inclined to enlarge the petitioners on bail.

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 satisfaction of the learned Judicial Magistrate No.I, Tirunelveli.

(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;



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(ii) the petitioners shall file an undertaking affidavit that they will never be involved in the tobacco products trade.

(iii) the petitioners shall appear before the respondent Police daily at 10.30 am for a period of two 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/08/2024

/ TRUE COPY /

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

TRP



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

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

3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY AND TIRUNELVELI DISTRICT.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10414[I] dated 27/08/2024)

ORDER

IN

CRL OP(MD) No.14087 of 2024

Date :27/08/2024

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

Madurai Bench of Madras High Court is issuing
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