



CRL OP(MD). No.14826 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14826 of 2024

Soosai Selvaraj

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Cr.No.296 of 2024..

... Respondent/Complainant

For Petitioner : M/s. Anandan.B, Advocate.

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

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.296 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 24.08.2024 for the offences punishable under Sections 275, 123 of BNS r/w 7(1), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No. 296 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is running a shop and he was found in illegal possession of 60 kg of tobacco products worth about Rs.1,20,000/-. Hence, the complaint.

3. Heard both sides.

4. Considering the fact that the petitioner was arrested for dealing with tobacco products including cool lips chocolate, which is harming the children of the State, only because the petitioner is already arrested and he is in jail from 24.08.2024 and that the argument of the learned counsel for the petitioner that the petitioner will file an undertaking affidavit that he will not hereinafter engage in trade of tobacco products and that he will erect a big sign board in front of his shop about dissuading people about using the tobacco products and that he will also deposit a sum of Rs.80,000/- to the account of Government Rajaji Hospital, Madurai, so as to proliferate messages against the tobacco products, which can be used by the concerned authorities to release advertisement, especially relating to use of cool lips



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chocolate by the children, this Court is inclined to grant bail to the petitioner on certain conditions.

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 Judicial Magistrate Court, Pattukottai.

(a) 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;

(b) As undertaken, the petitioner is directed to deposit a sum of Rs.80,000/- (Rupees Eighty Thousand only) to the credit of Government Rajaji Hospital, Madurai, (Account No.7097546149, IFSC Code: IDIB000T003, MICR Code; 525019008, Indian Bank, Madurai), without prejudice to his rights and contentions before the trial Court;

(c) the petitioner 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;

(d) the petitioner shall file an undertaking affidavit before the trial Court that he will not hereinafter engage in the trade of tobacco products and that he will erect a big sign board in front of his shop about dissuading people about using the tobacco

products;

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

f)the petitioner shall not abscond during trial;

g)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];

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

sd/-
05/09/2024

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/ 09 /2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO
1 THE JUDICIAL MAGISTRATE
COURT, PATTUKOTTAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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3 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

4. THE SUPERINTENDENT
DISTRICT PRISON, PUDUKKOTTAI.

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

COPY TO

THE DEAN
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-10941[I] dated 05/09/2024)

ORDER
IN

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Date :05/09/2024

PSP/ /SAR /05.09.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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