



CRL OP(MD). No.15205 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15205 of 2024

Manickam

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
Crime No.167 of 2024..

... Respondent/Complainant

For Petitioner : MR.S.M.Anantha Murugan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime no.167 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody

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



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on 26.08.2024 for the offences punishable under Sections 24(1) of Cigarette and other Tobacco Products Acts, 2003, Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 7(3) of Lotteries Regulation Act, 1998, in Crime No.167 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products and banned lottery tickets. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations against the petitioner that he was found to be in possession of the banned tobacco products and lottery tickets and considering the fact that the petitioner is in custody from 26.08.2024 and also considering the argument of the learned counsel for the petitioner that he is willing and ready to file an affidavit of undertaking that he will not indulge in selling of tobacco products and lottery Tickets and also is ready to pay some amount to the credit of Government Rajaji Hospital for conducting Tobacco Awareness Programme, this Court is inclined to grant bail to the petitioner on certain conditions.



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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, Tenkasi.

(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) As undertaken, the petitioner is directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Government Rajaji Hospital, Madurai, (Account No.7097546149, IFSC Code: IDIB000T003, MICR Code; 525019008, Indian Bank, Madurai), for conducting Tobacco Awareness Programme without prejudice to his rights and contentions before the trial Court;

(iii) As undertaken, the petitioner shall file affidavit before the trial Court that he will not indulge in selling of tobacco products and lottery Tickets;

(iv) the petitioner shall report before the respondent police daily at 10.30 a.m.,

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for a period of two weeks and thereafter, as and when required for interrogation;

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

vi)the petitioner shall not abscond during trial.

vii)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].

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

sd/-
10/09/2024

/ TRUE COPY /

10/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
3. THE OFFICER IN CHARGE, DISTRICT JAIL, TENKASI..
4. THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE, GOVERNMENT RAJAJI HOSPITAL, MADURAI,

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-11106[I] dated
10/09/2024)

ORDER

IN

CRL OP(MD) No.15205 of 2024

Date :10/09/2024

RK (10/09/2024) 5P / 8C

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