



CRL OP(MD). No.15636 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15636 of 2024

Ganesh Pandian

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu Rep By,
The Inspector of Police,
Bodi Town Police Station,
Theni District.
(Cr.No.239 of 2024).

... Respondent/Complainant

For Petitioner : M/s.Dinesh.K,
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.239 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 05.08.2024 for the offences punishable under Sections 275, 123 of BNS Act and 6 and 24(1) of COTPA Act, in Crime No.239 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 16.500 kgs of tobacco products. Hence, the complaint.

3.Heard both sides.

4.Considering the quantity of the contraband involved i.e., tobacco products weighing more than 41.750 kgs, which can spoil huge number of persons including the cool lip products, and also considering the fact that the petitioner is in custody from 05.08.2024, 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 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.

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



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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, Bodinayakanur.

(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 per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty 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 per the undertaking given by the petitioner, the petitioner shall file an affidavit before the trial Court that he will not indulge in selling of tobacco products;

(iv) 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;

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



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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/-
18/09/2024

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18/09/2024
Sub-Assistant Registrar (CS-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate, Bodinayakanur.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Officer in charge,
District Jail, Theni..



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4. The Inspector of Police,
Bodi Town Police Station, Theni District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer in Charge, Government Rajaji Hospital, Madurai,

ORDER

IN

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Date :18/09/2024

RK (18/09/2024) 5P / 7C

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