



CRL OP(MD). No.15993 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15993 of 2024

Esakki Pandi

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
The State Rep.by by the Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
(Crime.No.161 of 2024.)

... Respondent/ Complainant

For Petitioner : M/s.K. Abiya, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.161 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 / Accused, who was arrested and remanded to judicial custody on 02.08.2024 for the offences punishable under Sections 24(1) of Cigarette and other Tobacco Products Act and 123 of BNS Act, 2023 in crime No.161 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and other accused were illegally found in possession of 165.875 gms 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 quantity of contraband recovered and considering the fact that the petitioner is in prison from 2/8/2024 and only considering the fact that there are no other previous antecedents against the petitioner and considering the arguments of the learned counsel for the petitioner that without prejudice to his contention, he is ready and willing to deposit a sum of Rs.25,000/- towards the Tobacco awareness program, I am inclined to enlarge the petitioner on bail.

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



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learned Judicial Magistrate No.IV, Thirunelveli.

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(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 petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Rajaji Hospital (the said amount should be transferred to Tobacco Awareness Programme) (Account No:-7097546149, IFSC Code:- IDIB000T003, Indian Bank, Tallakulam Branch), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii) the petitioner shall appear before the respondent Police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

v) the petitioner 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 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].



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

sd/-
24/09/2024

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24/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

- 1.The Judicial Magistrate No.IV,
Thirunelveli.
- 2.Do through the Chief Judicial Magistrate,
Thirunelveli District.
- 3.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
- 4.The Superintendent,
Central Prison, Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,
Rajaji Jospital, Madurai.



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+1 CC to M/s.K.ABIYA, Advocate (SR-11630[I] dated 24/09/2024)

ORDER
IN
CRL OP(MD) No.15993 of 2024
Date :24/09/2024

ED/ /SAR- (24/09/2024) 5P / 8 C

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