



CRL OP(MD). No.19093 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Ashok Kumar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
SIPCOT Police Station,
Tuticorin, Tuticorin District.
(Crime No. 337/2024.)

... Respondent/Complainant

For Petitioner : Mr.N.Vignesh, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 337 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 on 28.09.2024 for the offences under Sections 123 of BNS (hereinafter



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referred to as new penal code) and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.337 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is running a petty shop and he was found in possession of Tobacco products.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are nine previous cases against the petitioner and out of the same, the petitioner has pleaded guilty in seven cases. The learned Additional Public Prosecutor further submitted that the petitioner is repeatedly involved in such offence. Therefore, The learned Additional Public Prosecutor vehemently opposed grant of bail to the petitioner.

4.The learned Counsel appearing for the petitioner submitted that the petitioner has already suffered incarceration for more than 57 days and that a false case has been foisted against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also of the fact that this petitioner has already suffered incarceration for more than 57 days and the entire contraband has already been seized from the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the criminal original petition is ordered and the petitioner is



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ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety shall be blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tuticorin, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
06/11/2024

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06/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

1.The Judicial Magistrate No.III,
Tuticorin.

2.Do through the Chief Judicial Magistrate,
Tuticorin District.

3.The Inspector of Police,
SIPCOT Police Station,
Tuticorin, Tuticorin District.

4.The Officer Incharge,
District Jail,
Perurani, Tuticorin.

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

+1 CC to M/s.N.VIGNESH, Advocate (SR-13639[I] dated 06/11/2024)



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ORDER
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ED/ /SAR- (06/11/2024) 5P / 7C

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