



CRL OP(MD). No.19290 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19290 of 2024

Marikani

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District,
Crime No. 209 of 2024.

... Respondent/ Complainant

For Petitioner : Mr. K.Dinesh, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.209 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded to judicial custody



CRL OP(MD). No.19290 of 2024

on 20.10.2024 for the offences under Section 123 of BNS Act and 24(1) of COTPA Act in Crime No.209 of 2024 on the file of the respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that on 18.10.2024, during picketing duty, the Police found a Omni Car and on suspicion it was stopped. On search, 152 kgs of Tobacco was seized worth about Rs.1,18,726/-. The first accused along with the petitioner were found in the Car and the petitioner had fled away from the scene of occurrence and A1 alone was apprehended. Later, the petitioner was arrested and he was remanded to judicial custody on 20.10.2024.

3.The learned counsel for the petitioner submitted that just because there are some previous cases, a false case has been foisted against him. The learned counsel further submitted that as against A1, on the very same day, yet another FIR was registered by the very same Police in Cr.No.208 of 2024 for alleged offence at about 06.30a.m., and the FIR was registered at 10.30a.m. The present FIR was registered at 04.00p.m., for the alleged offence, that is set to have taken place at 02.00p.m. The learned counsel submitted that this by itself shows that a false case has been put up against the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent vehemently opposed the bail petition on the ground that huge quantity of Tobacco products were seized from the accused persons and the



CRL OP(MD). No.19290 of 2024

petitioner is having 9 previous cases.

WEB COPY

5.This Court has carefully considered submissions made on either side and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the entire Tobacco products has now been seized and the petitioner has suffered incarceration from 20.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.Accordingly, the criminal original petition is ordered 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 No.II, Srivilliputtur, Virudhunagar District, 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 10.30a.m., and 05.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.19290 of 2024

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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];

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

sd/-
08/11/2024

/ TRUE COPY /

08 / 11 / 2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE
NO.II, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



CRL OP(MD). No.19290 of 2024

3 THE OFFICER INCHARGE
SUB JAIL, SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT,

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

ORDER
IN
CRL OP(MD) No.19290 of 2024
Date :08/11/2024

PSP/ /SAR /08.11.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023