



CRL OP(MD). No.20182 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Basker

... Petitioner/ Accused-1

Vs

The State of Tamil Nadu,
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
Crime No.226/2024.

... Respondent/ Complainant

For Petitioner

: Mr.Narayanakumar.K.P, Advocate

For Respondent

: Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.226/2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 19.10.2024 for the offences under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.226 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 banned Tobacco products, namely 5 Kg of cool lip and 7 kg of ganesh pan masala.

3.The petitioner filed the earlier bail petition before this Court in Crl.O.P(MD) No.18948 of 2024 and the same was dismissed by order, dated 30.10.2024 on the ground that the investigation is in the nascent stage.

4.When the matter was taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is completed and the investigation officer is only awaiting for the chemical analysis report. The learned Additional Public Prosecutor further submitted that there are six previous cases pending against the petitioner, out of



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which, in three cases, the petitioner was convicted and three cases are at the stage of trial.

5. Heard the learned Counsel appearing on either side.

6. Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner has already suffered incarceration from 19.10.2024 and the entire banned tobacco product has been seized from the petitioner and considering the previous cases pending against the petitioner, 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, Srivaikundam, 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.
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[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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
19/11/2024

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/11/2024

Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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TO
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1. THE JUDICIAL MAGISTRATE NO.II, SRIVAIKUNDAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3. THE OFFICER IN CHARGE,
SUB JAIL, THOOTHUKUDI DISTRICT.

4. THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-14211[I] dated 19/11/2024)

ORDER
IN

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Date :19/11/2024

RK(19/11/2024) 5P / 7C

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