



CRL OP(MD). No.19549 of 2024

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

Date : 12/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Arockiyadass

2. Arockiyasamy

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamilnadu
Rep., by, the Inspector of Police,
Vaiaampatty Police Station,
Trichy District,
(Crime No. 323 of 2024.)

... Respondent/Complainant

For Petitioners : Mr.AN.Ramanathan, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.323 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial



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custody on 04.11.2024 for the offences under Sections 123 of BNS Act r/w Section 6 & 24(1) Cigarette and other Tobacco Products Act, 2003 in Crime No.323 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.11.2024 based on a secret information, a raid was conducted in the house, occupied by A1 and which was owned by A2 and the banned tobacco products were seized to the tune of 38.40kgs.

3.The learned Additional Public Prosecutor submitted that first petitioner/A1 has two previous cases and in both the cases, he was convicted. That apart, he was the one who is in occupation of the property and the banned products were seized from the house of second petitioner/A2. A2 is the owner of the property, who was aware about the storage of banned tobacco products in the house. There are no previous cases against A2.

4.The learned counsel for the petitioner submitted that he is not pressing the petition insofar as the first petitioner (A1) is concerned.

5. Heard the learned counsel appearing for the petitioner and the learned learned Additional Public Prosecutor appearing for the respondent.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that second petitioner/ A2 is the owner of the house and the fact that the second petitioner has no previous case and that the second petitioner



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has suffered incarceration from 04.11.2024, this Court is inclined to grant bail to the

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second petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is allowed for the second petitioner and dismissed for the first petitioner. The second 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, Manapparai, 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 second petitioner shall report before the respondent police daily at 05.30 p.m., for a period of two weeks, thereafter, as and when required for interrogation;

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

[d] the second 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



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second petitioner in accordance with law as if the conditions have been imposed and the second 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/-
12/11/2024

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

PNM

To

1.The Judicial Magistrate,
Manapparai.

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

3.The Inspector of Police,
Vaiampatty Police Station,
Trichy District.

4.The Officer Incharge,
Sub Jail, Manapparai.



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

ORDER
IN
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Date :12/11/2024

ED/ /SAR- (12/11/2024) 5P / 6C

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