



CRL OP(MD). No.19867 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19867 of 2024

1. Sathishkumar,

2. Vasandhi,

... Petitioners/ Accused Nos.1 & 2

Vs

State of Tamilnadu,
Rep.By,The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Cr.No.336/2024).

... Respondent/Complainant

For Petitioner : Mr.S.Mandhiralingeswaran,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.336/2024 on the file of the respondent Police.



CRL OP(MD). No.19867 of 2024

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ORDER : The Court made the following order :-

The petitioners /Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 03.11.2024, for the offence under Sections 271, 274, 275, 123 of BNS 6(b) and 24(1) of Cigarette and Other Tobacco Products Acts, 2003 in Crime No.336 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of banned tobacco products, viz., Coollip-84 packets, Vimal pan masala-145 packets and Ganesh pan masala-90 packets.

3. The learned Additional Public Prosecutor appearing for the respondent Police submitted that insofar as the first petitioner (A1) is concerned, there are three previous cases against him and in all three cases, he was convicted. Insofar as the second petitioner (A2), there are no previous cases pending against her.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

5. Taking into consideration the facts and circumstances of the case and



CRL OP(MD). No.19867 of 2024

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considering the fact that the first petitioner (Accused No.1) has three previous cases of similar in nature in which he was convicted and he continuous to commit the offence, this Court is not inclined to enlarge the first petitioner on bail and this criminal original petition stands dismissed insofar as the first petitioner is concerned. However, since there are no previous cases against the second petitioner and the entire banned tobacco products has been seized and the second petitioner has suffered incarceration from 03.11.2024, this Court is inclined to grant bail to the second petitioner subject to the following conditions:

6. Accordingly, the second petitioner is ordered to be released on bail on her 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, Uthamapalayam, Theni 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 second petitioner shall appear before the respondent Police every Friday at 10.30 A.M., for a period of six weeks and thereafter, as and when required for interrogation.



CRL OP(MD). No.19867 of 2024

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[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 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 269 of BNS, 2023.

sd/-
18/11/2024

/ TRUE COPY /

18/11/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



CRL OP(MD). No.19867 of 2024

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL WOMENS JAIL, MADURAI.

5 THE OFFICER INCHARGE,
SUB JAIL, UTHAMAPALAYAM, THENI.

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

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-14150[I] dated
18/11/2024)

ORDER

IN

CRL OP(MD) No.19867 of 2024

Date :18/11/2024

SS/SAR- /18/11/2024/ 5P/8C

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