



CRL OP(MD). No.20473 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20473 of 2024

Arockiyadass

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Vaiampatty Police Station,
Trichy District,
(Crime No.323 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.N.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 petitioner / Accused No.1, who was arrested and remanded to judicial custody on 04.11.2024 for the offence under Section 123 of BNS r/w Sections 6 and 24 (1) of 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, a raid was conducted in the house that was occupied by Accused No.1, which was owned by Accused No.2 and banned tobacco products were seized to the tune of 38.40 kgs. There are totally two accused persons in this case and the petitioner has been arrayed as Accused No.1.



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3. The petitioner along with Accused No.2 earlier filed a bail application before this Court in Crl.O.P.(MD).No.19549 of 2024 and this Court was pleased to grant bail only for Accused No.2 and the bail petition filed by the petitioner (Accused No.1) was dismissed as not pressed.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that there are two previous cases against the petitioner and that in both cases, it ended in conviction. Those cases also related to a similar offence.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the entire tobacco products have been seized by the Police and considering the fact that the petitioner has suffered incarceration from 04.11.2024 and this Court has also enlarged the Accused No.2 on bail in Crl.O.P.(MD).No.19549 of 2024 by an order dated 12.11.2024, 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 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, Trichy District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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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 05.30 p.m., until further orders.

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

[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 269 of BNS, 2023.

sd/-
25/11/2024

/ TRUE COPY /

25/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

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TO

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1 THE JUDICIAL MAGISTRATE, MANAPPARAI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, MANAPPARAI.

4 THE INSPECTOR OF POLICE, VAIAMPATTY POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.AN.RAMNATHAN, Advocate (SR-14472[I] dated 25/11/2024)

ORDER

IN

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Date :25/11/2024

RS/IT/SAR-(25.11.2024) 4P 7C

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