



CRL OP(MD). No.21188 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.21188 of 2024

Sundar raj

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
(Crime No.400 of 2024)

... Respondent/Complainant

For Petitioner : Mr.J.Sankarapandian, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.400 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 16.10.2024 for the alleged offences under Sections 6, 7 and 24(1) of COTPA Act, 2003 and Section 77 of the Juvenile Justice Act, 2015, in Crime No.400 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the accused persons were found in possession of 132 Kgs of banned tobacco products. There are totally 5 accused persons in this case and the petitioner has been arrayed as A5.

3. The petitioner filed the earlier bail petition in CrI.OP(MD).No.19745 of 2024 and the same was dismissed by this Court by an order dated 15.11.2024.

4. Heard the learned counsel on either side and perused the material records of the case.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 16.10.2024 and also taking note of the fact that there is one previous case against the petitioner and also considering the fact that the entire tobacco products have already been seized, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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.3, Thoothukudi, 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.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/-
04/12/2024

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04/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal
TO

1 THE JUDICIAL MAGISTRATE NO.3, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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3 THE INSPECTOR OF POLICE, THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE, PERURANI DISTRICT JAIL, THOOTHUKUDI.

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

+1 CC to M/s.S.S.SUNDARA PANDIAN, Advocate (SR-14930[I] dated 04/12/2024)
ORDER
IN

CRL OP(MD) No.21188 of 2024

Date :04/12/2024

RS/IT/SAR-(04.12.2024) 4P 7C

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