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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). Nos.21164 and 21173 of 2024

M.Harrisraja

... Petitioner/ Accused No.2
in Crl.OP(MD).No.21164 of 2024

M.Annasamy

... Petitioner/ Accused No.1
in Crl.OP(MD).No.21173 of 2024

Vs

The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
(Crime No.343 of 2024)

... Respondent / Complainant
in both cases

IN BOTH CASES

For Petitioner : Mr.R.J.Karthick, Advocate.

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

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

COMMON PRAYER :-

For Bail in Crime No.343 of 2024 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 & 2, who were arrested and remanded to judicial custody on 16.11.2024 for the alleged offences under Sections 123 of BNS r/w. Sections 6(b) and 24(1) of COTPA Act, in Crime No.343 of 2024, on the file of the respondent police, seek bail.



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2. The case of the prosecution is that on 16.11.2024 when the police was on picketing duty and they intercepted a vehicle. On search, they found that the accused persons were carrying 134 Kgs of banned tobacco products. The accused persons were arrested and the banned tobacco products were also seized.

3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that the accused persons were arrested only on 16.11.2024 and that there are 10 previous cases against A1 of similar nature and there are no previous cases against A2. He further submitted that the investigation is pending and considering the huge quantity that was seized from the accused persons, he vehemently opposed the grant of bail to the petitioners.

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 quantity that is involved in this case and taking note of the fact that there are 10 previous cases against A1 of similar nature, the petition in CrI.OP(MD). No.21173 of 2024 is dismissed for the present for the petitioner(A1). Considering the fact that there are no previous cases against the petitioner (A2) in CrI.OP(MD). No.21164 of 2024 and the entire tobacco products have already been seized and A2 has suffered incarceration from 16.11.2024, this Court is inclined to grant bail to the



petitioner (A2) in CrI.OP(MD).No.21164 of 2024 subject to the following conditions:

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6. Accordingly, the petitioner (A2) in CrI.OP(MD).No.21164 of 2024 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, Rajapalayam, 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 (A2) in CrI.OP(MD).No.21164 of 2024 shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioners 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 petitioners 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.

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TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE, THALAVIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-14939[I] dated 04/12/2024)

ORDER IN
CRL OP(MD). Nos.21164 and 21173 of 2024
Date :04/12/2024

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