



CRL OP(MD). No.21532 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21532 of 2024

Muthalagu

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District,
Crime No. 312/2024.

... Respondent/ Complainant

For Petitioner : M/s Muthukumar.P, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 312 of 2024 on the file of the Respondent Police.



CRL OP(MD). No.21532 of 2024

ORDER : The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 02.10.2024 for the offences under Sections 275 and 123 BNS (hereinafter referred to as new penal code) and Sections 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No. 312 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were found in possession of 15 Kg of banned tobacco products. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3. Earlier the petitioner filed two bail petitions before this Court and both the petitions were dismissed by this Court considering the fact that there are four previous cases pending against the petitioner, out of which, he was convicted in three cases. This is the third bail petition filed on the ground that final report has not been filed till date and therefore, the petitioner will be entitled for statutory bail.

4. Heard the learned Counsel appearing on either side.

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

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CRL OP(MD). No.21532 of 2024

considering the fact that the final report has not been filed in spite of the expiry of sixty days from the date of arrest of the petitioner and taking note of the previous cases pending against the petitioner, 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, Bodinayakkanur, 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 shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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



CRL OP(MD). No.21532 of 2024

[e] the petitioner shall not abscond either during investigation or trial.

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[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
09/12/2024

/ TRUE COPY /

09/12/2024
Sub-Assistant Registrar (WRIT)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.



CRL OP(MD). No.21532 of 2024

3. THE OFFICER IN CHARGE,,
SUB JAIL,
UTHAMAPALAYAM, THENI DISTRICT.

4. THE INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.P.MUTHUKUMAR, Advocate (SR-15128[I] dated 09/12/2024)

ORDER
IN
CRL OP(MD) No.21532 of 2024
Date :09/12/2024

RK/ (09/12/2024) 5P / 7C

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