



CRL OP(MD). Nos.21820 and 21821 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.21820 and 21821 of 2024

Jawahar Kiruba Solomonraj,

... Petitioner / Accused No.3
(in Crl.OP(MD).No.21820 of 2024)

Vaseekaran

... Petitioner / Accused No.1
(in Crl.OP(MD).No.21821 of 2024)

Vs

The State of Tamil Nadu
represented by the Sub-Inspector of Police,
Kulasekaranpattinam Police Station,
Thoothukudi District.
(Crime No.279 of 2024)

... Respondent / Complainant
(in both cases)

For Petitioner : Mr.M.Murali,
(in both cases) Advocate.

For Respondent : Mr.S.Ravi,
(in both cases) Additional Public Prosecutor

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

COMMON PRAYER :-
respondent Police.

For Bail in Crime No.279 of 2024 on the file of the



COMMON ORDER : The Court made the following order :-

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The petitioners / Accused Nos.1 & 3, who were arrested and remanded to judicial custody on 24.11.2024 for the alleged offences under Sections 6(b) and 24(1) of the Cigarette and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.279 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused persons were found in possession of 149 kgs of banned tobacco products and it was transported in an auto rickshaw belonging to A3. There are totally 3 accused persons in this case and the petitioners have been arrayed as A1 and A3.

3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that A1 is the owner of the auto rickshaw and he has 4 previous cases against him, out of which, 3 cases pertain to similar offence and in one case he was also convicted. Insofar as A3 is concerned, the learned Additional Public Prosecutor submitted that there are no previous cases against him.

4. The learned counsel for the petitioner submitted that this Court has already granted anticipatory bail to A2 who is the son of A1. He further submitted that the petitioners have suffered incarceration from 24.11.2024 and already the banned tobacco products have been seized and hence, requested this Court to enlarge the



petitioner on bail subject to any conditions.

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

6. Taking into consideration the facts and circumstances of the case and considering the previous antecedents of the petitioner in CrI.OP(MD).No.21821 of 2024 (A1), this Court is not inclined to enlarge the petitioner on bail at this stage since he was arrested only on 24.11.2024. Insofar as the petitioner (A3) in CrI.OP(MD).No.21820 of 2024 is concerned, he has no previous cases against him and he has suffered incarceration from 24.11.2024 and the banned tobacco products have also been seized in this case. Hence, this Court is inclined to enlarge the petitioner in CrI.OP(MD).No.21820 of 2024 (A3) on bail subject to the following conditions:

7. Accordingly, the petitioner (A3) in CrI.OP(MD).No.21820 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, Thiruchendur, 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 (A3) in CrI.OP(MD).No.21820 of 2024 shall report before the



CRL.OP(MD). Nos.21820 and 21821 of 2024

respondent police on every Monday and Friday at 05.30 p.m. for a period of 8 weeks

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and thereafter, as and when required.

[c] the petitioner (A3) in Crl.OP(MD).No.21820 of 2024 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner (A3) in Crl.OP(MD).No.21820 of 2024 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.

8. In the result, the Crl.OP(MD).No.21820 of 2024 is allowed and the Crl.OP (MD).No.21821 of 2024 is dismissed for the present.

sd/-

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



CRL OP(MD), Nos.21820 and 21821 of 2024

PAL

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL,
SRIVAIKUNDAM.

4 THE SUB-INSPECTOR OF POLICE,
KULASEKARANPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+2 CC to M/s.M.MURALI, Advocate (SR-15236 & 15237 [I] dated 11/12/2024)

ORDER
IN

CRL OP(MD) No.21820 of 2024

Date :11/12/2024

SA/SAR. /11.12.2024/5P/8C

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