



CRL OP(MD). No.21978 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.21978 of 2024

Muthu @ Muthukaruppaiyah,

... Petitioner /Sole Accused

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Cumbum-North Police Station,
Theni District.
(Crime No.330 of 2024)

... Respondent / Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.330 of 2024 on the file of the respondent Police.



CRL OP(MD). No.21978 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 22.11.2024 for the alleged offences under Sections 275 and 123 of BNS Act, 2023 read with Sections 24(1) and 6(b) of the Cigarette and Other Tobacco Products Acts, 2003 in Crime No.330 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was running a petty shop, in which, he was found in possession of 1 Kilogram of banned tobacco products.

3. The learned Additional Public Prosecutor submitted that there are four previous cases against the petitioner, and in all those cases, he was convicted for the very same offence. He further submitted that the petitioner was arrested on 22.11.2024, and is a habitual offender and hence, the learned Additional Public Prosecutor vehemently opposed grant of bail to the petitioner.

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

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



CRL OP(MD). No.21978 of 2024

considering the quantity involved in this case, and considering the fact that the petitioner has suffered incarceration from 22.11.2024, and also taking note of the fact that there are four previous cases against the petitioner, 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 Judicial Magistrate Court, Uthamapalayam, Theni District, 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 appear before the learned Judicial Magistrate, Uthamapalayam, Theni District daily at 10.30 a.m. and also before the respondent police at 05.30 p.m. until further orders.

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

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



CRL OP(MD). No.21978 of 2024

investigation or trial.

WEB COPY

[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/-
13/12/2024

/ TRUE COPY /

13/12/2024

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

mkn

TO
1.THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

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



CRL OP(MD). No.21978 of 2024

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3.THE OFFICER-IN-CHARGE,
DISTRICT PRISON,
THENI, THENI DISTRICT.

4.THE INSPECTOR OF POLICE,
CUMBUM-NORTH POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.21978 of 2024
Date :13/12/2024

RK (13/12/2024) 5P / 6C

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