

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,  
Vacation Sessions Judge, Theni,

**Dated this the 14<sup>th</sup> day of May 2024**

**CrI.M.P.No.66/2024**

**CNR.No.TNTH00-0000091-2024**

Balamurugan ... Petitioner/Accused  
-Versus-  
State through the Inspector of Police,  
Chinnamanur P. S. in  
Cr.No.191/2024 ... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. C. Logamani, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

**ORDER**

This petition has been filed by the petitioner/accused U/s.439 of Code of Criminal Procedure seeking bail.

**2. The Nitty-Gritty of the prosecution case is as follows:**

On 01.05.2024 at about 4.15 p.m., the petitioner was found possessing Tobacco product wrapped in a paper pocket in his Petty-shop for selling to public. Therefore the case registered against the petitioner U/s.273, 328 of IPC and U/s. 6(a) r/w 24 (1) of the Cigarette and Tobacco product Act 2003.

3. Heard both sides.

4. The points for determination is that can bail be granted to the petitioner?

**Answer :**

5. The FIR and reply given by police are persued. The FIR would show that the petitioner was found possessing Tobacco product wrapped in paper in his Petty-shop for selling to public. The prosecution submitted that the investigation is still pending. The petitioner was remanded to Judicial custody

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on 01.05.2024. Having considered the period of remand and other circumstances of the case, I inclined to release the petitioner on conditional bail.

6. Therefore it is ordered that the petitioner shall be released on conditional bail on his executing a bond for sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties each for a like sum. The following conditions are imposed on the petitioner :-

i) The petitioner shall appear in person before the SHO Chinnamanur Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 30 days after his release on bail.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala ( 2005) AIR SCW 5560).

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 14<sup>th</sup> day of May 2024.

**Vacation Sessions Judge,  
Theni.**

**Copy to :-**

The Judicial Magistrate, Uthamapalayam.

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Chinnamanur.