

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Tmt.A.Balkis, B.L.,
Principal District and Sessions Judge.

Thursday, this the 26th day of September, 2024.

CrI.M.P.No.1377/2024

Ayyasamy, 70/2024, (A1),
S/o.Ayyakannu,
Mariyamman Kovil Street,
Perali Village,
Kunnam Taluk,
Perambalur District.

...Petitioner/Accused.

-vs-

State rep. by
the Sub- Inspector of Police,
Maruvathur P.S.,
In Cr. No.185/2024.

... Respondent/Complainant.

Offences U/S. 24(1) of Cigarette and other Tobacco Products Act 2003 and
123 of BNS.

This petition coming on this day before me for order in the presence of
Thiruvalargal.S.Sathiyaraj, R.Gowtham and T.L.Gowtham, Advocates for the
petitioner and the Public Prosecutor for the State and upon hearing both sides,
this Court has delivered the following...

ORDER

This petition has been filed U/s.483 of BNSS for grant of bail to the
petitioner for the offences U/S.24(1) of Cigarette and other Tobacco Products
Act 2003 and 123 of BNS.

2. The learned Counsel for the petitioner/accused stated in the petition
that the alleged date of occurrence on 20.09.2024 and the FIR was registered

on the same day and he was remanded on 21.09.2024 and that the petitioner is an innocent and he has not committed any such offence as made in the FIR and that he is a senior citizen and that if he is released on bail, he will be ready to furnish sufficient sureties, he will not abscond and tamper the witnesses or evade the trial. He has not filed any bail application before the Hon'ble High Court of Madras and hence the accused is seeking for bail.

3. The petitioner's Counsel argued that the occurrence was happened on 20.09.2024 and the FIR was registered on the same day and he was remanded on 21.09.2024 and he is in judicial custody for the past 6 days and that the case property was recovered and that there is no nexus between the petitioner and the occurrence and it is a put up case and that he was not selling the tobacco products and he is a first offender and that the petitioner is a senior citizen and that the petitioner met with motor accident and was unable to move and he had bone fracture in leg and that to prove the medical case records are submitted for perusal and that no way connected with the alleged offence. Considering the above, bail may be granted.

4. Reply received. The learned Public Prosecutor has argued that the investigation is not yet completed and that the petitioner is having 15 kg of Hans, 5.700 kgms of cool lips and 3.750 kgms of Pawn Masala and that case property were recovered and that if he is released on bail, he will endanger to the life of public, he will commit the similar offence again and he will abscond and tamper the witnesses.

5. Heard both sides. The petitioner/accused was remanded on 21.09.2024. The petitioner/accused house when searched contained 15 kg of Hans, 5.700 kgms of cool lips and 3.750 kgms of Pawn Masala. The petitioner counsel contend that the accused had bone fracture in leg due to

motor accident. He needs medical attendance. The petitioner/accused was aged 70 years. There is no previous case against him. Considering the health condition and age of the accused, this Court is inclined to grant bail to the petitioner on the following conditions:

Accordingly, the petitioner/accused is ordered to be released on bail on executing a bond for a sum of Rs.20,000/- with two sureties for a like sum, to the satisfaction of the learned Judicial Magistrate No.II, Perambalur and on further condition 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/accused shall appear and sign before the learned Judicial Magistrate No.II, Perambalur daily once at 10.00 a.m. until further orders.

(c) the petitioner/accused shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner/accused 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].

Pronounced by me in open Court, this the 26th day of September, 2024.

Sd/-A.Balkis,
Principal District and Sessions Judge,
Perambalur.