



CRL OP(MD) No.14025 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14025 of 2023

Mariappan,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Krishnankoil Police Station,
Virudhunagar District.
Crime No.103/2023.

... Respondent/ Complainant

For Petitioner : M/s.SOLAISAMY M, Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.103/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused herein, who was arrested on 15.07.2023 for the alleged offence under Sections *328 of IPC, r/w 6(b), 24(1) Cigarette and other Tobacco Products Act, in Crime No.103 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.07.2023, the accused was found in illegal possession of banned tobacco products of Ganesh 701 -15 pouches with 29



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pockets* each, Bullet Rani-30 Pouches with 10 pockets each, Cool Lip Tabacco 9 pouches with 6 pockets Vimal Supari 30 pouches with 6 pockets each and VI tabacco 6 pockets. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is also ready to file an undertaking that he will not commit any similar offence in future. The petitioner is in custody from 15.07.2023. Hence, prays for bail.

4.The learned Additional Public Prosecutor (Crl.Side) submitted that the petitioner is having sixteen previous cases, out of which fifteen cases were already disposed and the petitioner was convicted and he has also paid the fine amount. He further submitted that the petitioner has sold the banned tobacco products to the public. Hence, prays to dismiss the petition.

5.Considering the facts and circumstances of the case, the readiness of the petitioner to file an affidavit that he will not indulge in any offence in future and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputhur, on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offence in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
01/08/2023

(*)AMENDED AS PER ORDER OF THIS
COURT DATED 07.08.2023 IN CRL MP
(MD)NO.11326 OF 2023 IN CRL OP(MD)
NO.14025 OF 2023
/ TRUE COPY /

07/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 01/08/2023 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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3 THE OFFICER INCHARGE,
SUB JAIL, * SRIVILLIPUTHUR.

4 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

5 THE INSPECTOR OF POLICE,
KRISHNANKOIL POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.SOLAISAMY M Advocate SR.No.11882 DT.07/08/2023

ORDER IN
CRL OP(MD) No.14025 of 2023
Date :01/08/2023

SA/VRS/SAR. /01.08.2023/4P/7C
ED/ /SAR- (07/08/2023) 4P / 8C

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