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CRL OP(MD). N



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

Date : 29/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17401 of 2022

Yasar Arafath

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pettai Police Station,
Tirunelveli City,
Tirunelveli District
(Crime No.209/2022)

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-To release the petitioner on bail in connection with Crime No.209 of 2022 pending on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 18.09.2022 for the offences punishable under Section 328 IPC and Section 6(a), 24(1) of Cigarette and other Tobacco Products Act, 2003 in crime No.209 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have unlawfully found in possession of 17 ½ Kgms of Tobacco Products to sell the general public. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 18.09.2022, hence he may be granted bail.

<https://www.mca.gov.in/judis>



4.The learned Additional Public Prosecutor would submit that the petitioner found in possession of 17 ½ Kgms of Tobacco Products worth about Rs.31,800/- illegally and the same has been recovered. He would further submit that the petitioner is not having any previous case and the investigation of the case is pending and strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 No.V, Tirunelveli.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 am until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/09/2022

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29/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.5,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI CITY,
TIRUNELVELI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10736[I] dated
29/09/2022)

ORDER

IN

CRL OP(MD) No.17401 of 2022

Date :29/09/2022

TRP

MK/VR/SAR.I/29.09.2022/3P/7C