



WEB COPY

CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8354 of 2023

Kasiraman,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.343 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Palmurugan.K, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-

For Bail in Crime No.343 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 08.04.2023 for the offences punishable under Section 328 IPC and Sections 6(b) and 24(1) of the Cigarette and Other Tobacco Products Act, 2003 in Crime No.343 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 830kgs of banned tobacco products, hence the case.

3.Heard. Perused the materials available on record including the First Information Report.

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



4. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

5. 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 learned Judicial Magistrate No.2, Madurai 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 [Indian Overseas Bank, Secretariat Branch, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F] and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c] after coming out on bail, the petitioner shall file an affidavit of undertaking before the concerned Magistrate stating that he will not indulge in any such offence in future, failing which, the bail order already granted shall stand dismissed automatically. Thereafter, the respondent police is directed to secure the petitioner and proceed further in accordance with law;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].



[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
28/04/2023

/ TRUE COPY /

28/04/2023

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

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SJI
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, THENI DISTRICT
- 4 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU
SECRETARIAT BRANCH,
CHENNAI -9.

+1 CC to M/s.PALMURUGAN.K, Advocate (SR-7036[I] dated 28/04/2023)
ORDER
IN
CRL OP(MD) No.8354 of 2023
Date :28/04/2023

PKP/MMS/SAR- /28.04.2023/ **3P/8C**