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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8492 of 2023

Ganeshan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.

(In Crime No.192 of 2023).

... Respondent/Complainant

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

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

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

PRAYER :-

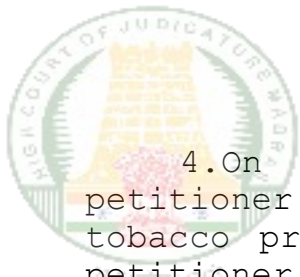
For Bail in Crime No.192 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 21.04.2023 for the offences punishable under Sections 273,328 of IPC r/w. section 24(1) of Cigarette and other Tobacco Products Act,2003 in Crime No.192 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 30 pockets of banned tobacco products, hence the case.

3.On the side of the petitioner, it is stated that the petitioner is innocent and a false case has been foisted against him. It is further stated that for statistical purpose this false case has been foisted against him. It is also further stated that the petitioner is in judicial custody from 21.04.2023, hence he



4. On the side of the prosecution, it is stated that petitioner was found in illegal possession of 30 pockets of banned tobacco products. Further no previous case is pending against the petitioner.

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5. Considering the facts and circumstances of the case and the period of incarceration and the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner with 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.II, Kulithalai, Karur District

[b] 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.

[c] 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.

[d] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 FIR can be registered under Section 229A IPC.

sd/-

04/05/2023

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04/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI, KARUR DISTRICT.

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

+1 CC to M/s.SIVABALAN.K, Advocate (SR-7172[I] dated 04/05/2023)

ORDER

IN

CRL OP(MD) No.8492 of 2023

Date :04/05/2023

SS/BUC/SAR /04/05/2023/3P/7C