



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

Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9427 of 2023

Marimuthu ... Petitioner/ Sole Accused
Vs

State represented by
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
Cr.No.82/2023. ... Respondent/Complainant

For Petitioner : M/s.V.Selvakumar
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.82/2023 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 29.04.2023 for the offences under sections 328 of IPC and Section 7(2) and 24(1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.82 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner is in illegal custody of 8.800 Kgs of Prohibited Tobacco Products. Hence the complaint.

3.The learned Additional Public Prosecutor submitted that the petitioner is having three previous cases. The contraband has been recovered.

4. Heard both sides. Perused the materials available on record including the First Information Report.



5. Taking into consideration of the facts and submissions by the learned counsels and also the fact that the contraband has been recovered and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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, Paramakudi, and on further conditions that :-

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the High Court Advocate Clerks' Welfare Association, Madurai Bench of Madras High Court, Madurai.

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

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

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

[f] 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 is 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/05/2023

/ TRUE COPY /

24/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PARTHIBANOUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.

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

COPY TO

THE OFFICER INCHARGE,
ADVOCATE CLERKS' WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9427 of 2023

Date :24/05/2023

PKP/ /SAR- /24.05.2023/ **3P/7C**