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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10950 of 2023

Muthu Eswaran

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Crime No.262 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Mithun Chakravarthi A,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.262 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 03.06.2023 for the offences under sections 272,273,328 of IPC and sections 6(b),r/w.24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.262 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the accused persons were found in banned tobacco products worth about Rs.5,53,000/- hence the case.

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

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:

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



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, Theni and on further conditions that :-

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[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.50,000/- (Rupees Fifty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) 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. After coming out from prison within two days the petitioner shall also file an undertaking affidavit before the respondent police that he will not indulge in similar type of activities again and the petitioner violates the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

[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 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 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/-

20/06/2023

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20/06/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.

4 THE INSPECTOR OF POLICE, PALANICHETTYPATI POLICE STATION,
THENI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
ALAGARKOVIL, MADURAI.

+1 CC to M/s.A.MITHUN CHAKRAVARTHI, Advocate (SR-9134[I] dated
20/06/2023)

ORDER

IN

CRL OP(MD) No.10950 of 2023

Date :20/06/2023

RS/VR/SAR-(20.06.2023) 3P 8C