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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11726 of 2023

Gnasekarraja,

... Petitioner/2nd Accused

Vs

The State rep by
The Inspector of Police,
Government Hospital Police Station,
Trichy City.
(Crime No.912 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
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.912 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 19.06.2023 for the offences under sections 273 and 328 of IPC and section 24(1) Cigarette and other Tobacco Products Act, 2003 in Crime No.912 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 54.682 kgs of banned tobacco products, hence the case.

3. Heard. Perused the materials available on record including
<https://www.mhc.gov.in/todis> Information Report.



4. Taking into consideration 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:

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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.IV, Trichy 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 make a non refundable deposit for a sum of Rs.50,000/- (**Rupees Fifth thousand only**) to the credit of **Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. 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 if 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].



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

sd/-
30/06/2023

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30/06/2023

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

AAV

TO

1. The Judicial Magistrate No.IV
Trichy.
2. do through The Chief Judicial Magistrate,
Trichy
3. The Superintendent,
Central Prison, Trichy
4. The Inspector of Police,
Government Hospital Police Station,
Trichy City.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:
The Office Incharge,
Government of Tamil Nadu,
CMPRF in IOB,
Secretariat Branch,
Chennai-9

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-9945[I] dated 30/06/2023)

ORDER
IN
CRL OP(MD) No.11726 of 2023
Date :30/06/2023

DL/ (30.06.2023) / 3P/8C