



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12151 of 2023

Kumaresan

... Petitioner/Accused 1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.MITHUN CHAKRAVARTHI.A, Advocate

For Respondent : Mr.B.NAMBISELVAN,
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.

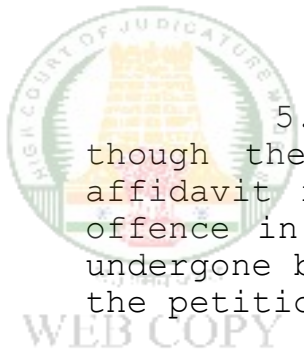
ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 03.06.2023 for the alleged offence under Section 272, 273, 328 IPC and Section 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 on 03.06.2023, the accused persons were found in illegal possession of banned tobacco products worth about Rs.5,53,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner has filed an undertaking that he will not commit any similar offence in future. Hence, prays for bail.

4.The learned Additional Public Prosecutor submitted that the petitioner is having previous cases at his credit. Considering the nature of offence and huge quantity, prays to dismiss the petition.



5. Considering the facts and circumstances of the case, though the petitioner is having previous cases, considering the affidavit filed by the petitioner that he will not indulge in any offence in future and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of **Rs.5,53,000/- (Rupees Five Lakhs Fifty Three Thousand only)** to the credit of Cr.No.262 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail, on executing a personal 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, Theni**, on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offence in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. If any case is registered against the petitioner in future, the bail that has been granted in this case, will stand automatically cancelled without reference to this Court.

sd/-

07/07/2023

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07/07/2023

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

PNM

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,
PALANICHETTYPATTI POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/s.MITHUN CHAKRAVARTHI.A Advocate SR.No.10338 (I)
Dt.07/07/2023.

ORDER IN

CRL OP(MD) No.12151 of 2023
Date :07/07/2023