



WEB COPY

CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12404 of 2023

Muthuganesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.303 of 2023).

... Respondent/Complainant

For Petitioner : Mr.Senthil Kumaraiah.J, Advocate
For Respondent : Mr.B.Nambiselvam,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.303 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

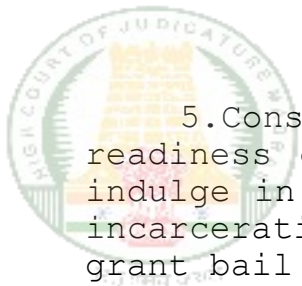
The petitioner/Accused herein, who was arrested on 19.06.2023 for the alleged offence under Section 328 IPC and Section 7(1), 20 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.303 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.06.2023, the accused was found in illegal possession of banned tobacco products weighing 81 3/4kgs, worth about Rs.55,928/-. 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 is ready to file an undertaking that he will not commit any similar offence in future. Hence, prays for bail.

4.The learned Additional Public Prosecutor submitted that though the petitioner is not having any previous case at his credit, considering the nature of offence, prays to dismiss the petition.

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



5. Considering the facts and circumstances of the case, the readiness of the petitioner to file an affidavit 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.55,928/- (Rupees Fifty Five Thousand Nine Hundred and Twenty Eight only) to the credit of Cr.No.303 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 District Munsif cum Judicial Magistrate No.I, Usilampatti, 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

/ TRUE COPY /

07/07/2023

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

PNM

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.I, USILAMPATTI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, USILAMPATTI.
- 4 THE INSPECTOR OF POLICE, USILAMPATTI TOWN POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-10337[I] dated 07/07/2023)

ORDER IN

CRL OP(MD) No.12404 of 2023

Date :07/07/2023

RS//SAR-(07.07.2023) 2P 7C

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