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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12897 of 2023

B.Piyushkumar @ Lalitkumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Sivakasi Police Station,
Virudhunagar District
(In Crime No.216 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sathishkumar.K, 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.216 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 18.06.2023 for the alleged offence under Sections 272, 273, 328 IPC, in Crime No.216 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.06.2023, the accused persons were found in illegal possession of banned tobacco products weighing 53 kgs, worth about Rs.58,108/-. 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 co-accused has already been granted bail. 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 through one petitioner is not having any previous case at his credit,



considering the nature of offence, prays to dismiss the petition.

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.58,108/- (Rupees Fifty Eight Thousand One Hundred and Eight only)** to the credit of Cr.No.216 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 No.I, Sivakasi**, 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/-

14/07/2023

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14/07/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.

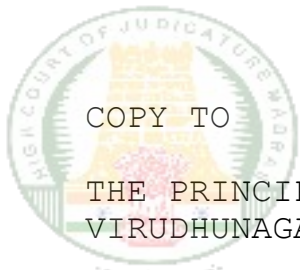
2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE, SIVAKASI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

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



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COPY TO

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

+1 CC to M/s.K.SATHISHKUMAR, Advocate (SR-10741[I] dated 14/07/2023)

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ORDER

IN

CRL OP(MD) No.12897 of 2023

Date :14/07/2023

RS/VR/SAR-(14.07.2023) 3P 8C