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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/07/2023
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13067 of 2023

P.Kalaiselvam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District
Crime No.280 of 2023).

... Respondent/Complainant

For Petitioner : Mr.P.PRABU, 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.280 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole Accused herein, who was arrested on 18.06.2023 for the alleged offence under Section 328 IPC and Section 6(b) r/w 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.280 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 person was found in illegal possession of banned tobacco products worth about Rs.82,176/-. 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. He is doing water supply business at Srivilliputtur.

4.The learned Additional Public Prosecutor submitted that the petitioner is having eight 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, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

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6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of **Rs.82,176/- (Rupees Eighty Two Thousand One Hundred and seventy six only)** to the credit of Cr.No.280 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.II, Srivilliputhur**, 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/-

18/07/2023

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18/07/2023

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

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR.
- 4 THE INSPECTOR OF POLICE,
SRIVILLIPUTTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. PRABU.P Advocate SR.No.10905 (I) Dt.18/07/2023

ORDER IN

CRL OP(MD) No.13067 of 2023
Date :18/07/2023

SA/VR/SAR. /18.07.2023/2P/7C

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