



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14049 of 2023

Periyasamy

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(in Crime No.244 of 2023)

... Respondent/ Complainant

For Petitioner : M/s.Ganapathi Subramanian P,
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.244 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused herein, who was arrested on 23.07.2023 for the alleged offence under Sections 273, 328 of IPC r/w 7, 20(1) of COTPO Act, in Crime No.244 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner was found in illegal possession of 141 Kgs of banned tobacco products. 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 in custody from 23.07.2023. Hence, prays for bail.

4. The learned Additional Public Prosecutor (Crl.Side) submitted that the petitioner is having no previous cases. But, the petitioner has illegally found in possession of 141 Kgs of banned tobacco products, its worth about of Rs.1,45,000/-. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case and the petitioner is not having any previous cases 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.1,45,000/- (Rupees One Lakh and Forty Five Thousand only) to the credit of Cr.No.244 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, Illupur and on further condition that the petitioner shall report before the
respondent police daily at 10.30 a.m. until further orders.

sd/-
01/08/2023

/ TRUE COPY /

01/08/2023

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

TTA

TO

1 THE JUDICIAL MAGISTRATE, ILLUPUR.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-11637[I] dated
01/08/2023)

ORDER
IN

CRL OP(MD) No.14049 of 2023
Date :01/08/2023

SS/VRS/01/08/2023/3P/7C