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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14486 of 2023

Pothiraj

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
Crime No.303 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Muniyandi S,
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.303 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested on 26.07.2023 for the alleged offence under Sections 328 of IPC and 6(b), 24(1) of Cigarette and other TOBACCO products Act, 2003, in Crime No.303 of 2023, on the file of the respondent



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2.The case of the prosecution is that while the respondent police conducted picketting duty, they found the petitioner with 1.800 Kilo grams of banned Tobacco Products worth about Rs.960/-. They also recovered 7.875 gram of Tobacco Products worth about Rs.4,200/- from other accused. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. However, the petitioner is ready to file an affidavit to the effect that he will not indulged in such activities in future.

4.The learned Additional Public Prosecutor submitted that there is no previous case against the petitioner. Totally 8 kg of banned tobacco products have been recovered from the accused persons.

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.



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6. Accordingly, this Criminal Original Petition is allowed and 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, Rajapalayam, on condition that the **petitioner shall 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/-

09/08/2023

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09/08/2023

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

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TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.



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- 4 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-12028[I] dated 09/08/2023)

ORDER
IN
CRL OP(MD) No.14486 of 2023
Date :09/08/2023

SS/09/08/2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023