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

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15299 of 2023

1. Saravanakumar

2. Dhanalakshmi

... Petitioners/ Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District,
Crime No.149/2023.

... Respondent/Complainant

For Petitioners : M/s.R.Babu Jaganath,
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.149/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 and 2 herein, who were arrested and remanded to
judicial custody on 01.08.2023 for the alleged offence under Sections 328 of Indian



Penal Code, 1860 and Section 7 and 24(1) of Cigarette and other Tobacco Products
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Acts 2003, in Crime No. 149 of 2023, seek bail.

2. The case of the prosecution in that the petitioners have found in illegal possession of Ganesh tobacco 3 pockets containing 15 pouches each and another 8 pockets. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 01.08.2023.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the first petitioner is having fourteen previous cases, out of which twelve cases were disposed of and no previous case is pending against the second petitioner.

5. Considering the facts and circumstances of this case and also considering the bad antecedents of the first petitioner, this Court is not inclined to grant bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner/A1 is concerned.



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6. In far as the second petitioner is concerned, considering the fact that she is not having any previous cases and also considering the duration of custody, this Court is inclined to grant bail to the second petitioner only with certain conditions;

7. Accordingly, this Criminal Original Petition is partly allowed and only the second 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, Virudhunagar, and on further condition that the second petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

sd/-
23/08/2023

/ TRUE COPY /

23/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.

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



4

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-12660[I] dated 23/08/2023)

ORDER
IN
CRL OP(MD) No.15299 of 2023
Date :23/08/2023

SS/23/08/2023/4P/7C

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