



CRL OP(MD). No.15685 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. Murugan
2. Yesuraj
3. Poomari
4. Gnanaraj

... Petitioners/ Accused No.1 to 4

Vs

State Rep.by
The Sub Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No. 190 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Karthick R J, Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.190 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioners/A1 to A4 who were arrested and remanded to judicial custody on 08.08.2023 for the offences punishable under Sections 272,273, 328 of IPC and Section 6(b),24(1) of Cigarette and Other Tobacco Products Act,2003 in Crime No.190 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 136 kgs of banned tobacco products, hence the case came to be registered.

3. The learned counsel appearing for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. The petitioners were arrested and remanded to judicial custody on 08.08.2023 and they are still in judicial custody, hence they may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that the petitioners were found in illegal possession of 136 kgs of banned tobacco products. He would further submit that one similar case is pending against the second petitioner and no previous case is pending against the first petitioner, however he strongly objected to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence charged against the petitioner and period of incarceration and all other



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aspects this Court is inclined to grant bail to the petitioners, subject to the following

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conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the each satisfaction of the learned Judicial Magistrate, Rajapalayam and on further conditions that:

[b] the petitioners shall report before the respondent police every day at 10.00 am., for a period of one month and thereafter as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-

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29/08/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR.
- 4 THE SUB INSPECTOR OF POLICE, DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.15685 of 2023

Date :29/08/2023

RS//SAR-(29.08.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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