



CRL OP(MD). No.15694 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15694 of 2023

Ashok Kumar,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District,
Crime No.365/2023.

... Respondent/Complainant

For Petitioner : M/s.Velpradeep I,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.365/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody

on 19.08.2023 for the offences punishable under Section 328 of IPC and Section 6(b),
<https://www.mhc.tn.gov.in/judis>



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24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.365 of 2023 on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that on 19.08.2023 at about 9.30 am., the police party led by Sub Inspector of Police of the respondent were on picketing regarding illegal selling of banned tobacco products they found the petitioner in possession of 4 ½ kgs of banned tobacco products and Rs.1000/- in his petty shop near Thiru.Vee,Ka. School, hence the case came to be registered.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner was arrested and remanded to judicial custody on 19.08.2023 and he is still in judicial custody, hence he may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that the petitioner was found in illegal possession of 4 ½ kgs of banned tobacco products. He would further submit that one similar case is pending against the petitioner, hence 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 aspects this Court is inclined to grant bail to the petitioner, subject to the



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following conditions:

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[a] Accordingly, the petitioner is 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 satisfaction of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and on further conditions that:

[b] the petitioner 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 petitioner shall not commit any offences of similar nature.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
30/08/2023

/ TRUE COPY /

30/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
 - 4 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.I.VELPRADEEP, Advocate (SR-12932[I] dated 30/08/2023)

ORDER
IN

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Date :30/08/2023

PKP/SAR- /30.08.2023/ 4P/7C

Madurai Bench of Madras High Court is issuing certified
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