



CRL OP(MD). No.15828 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

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P.Kasinathan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
Crime No.107 of 2023.

... Respondent/Complainant

For Petitioner : M/s.RAJABOOPATHY D,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr.No.107 of 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 16.08.2023 for the offences punishable under Section 328 of IPC and Section 6(b), 24(1) of Cigarette and Other Tobacco Products Act,2003 and Section 4(1)(a) of TNP Act in Crime No.107 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of Ganesh 701 banned tobacco products and 48 numbers of 180ml brandy



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and 36 Nos of 650ml Kingfisher beer, hence the case came to be registered.

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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 16.08.2023 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 Ganesh 701 banned tobacco products and 48 numbers of 180ml brandy and 36 Nos of 650ml Kingfisher beer. He would further submit that 15 previous cases are pending against the petitioner, out of which some cases are disposed of and now nine cases are pending, hence he strongly objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the period of incarceration and considering the nature of offence charged against the petitioner and all other aspects this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[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,



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Rajapalayam and on further conditions that:

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[b] the petitioner shall report before the learned Judicial Magistrate, Rajapalayam on all working days at 10.30 am., until further orders

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/08/2023

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31/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
<https://www.hmc.tr.gov.in/judis>



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

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-13001[I] dated 31/08/2023)

ORDER
IN

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Date :31/08/2023

SA/DD/SAR. /31.08.2023/4P/7C

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