



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15846 of 2023

V.Mahendra Kumar

... Petitioner/ Accused No.2

Vs

State through the,
The Inspector of Police,
Viruthunagar West Police Station,
Viruthunagar District.
(Crime No.174 of 2023)..

... Respondent/ Complainant

For Petitioner : Mr.N.A.Manimaran,
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.174 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 who was arrested and remanded to judicial

custody on 20.08.2023 for the offences punishable under Sections 24(1), 6(B) of



Cigarette and other Tobacco Products Act and Section 328 of IPC in Crime No.174 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 when the Sub Inspector of Police and other police party conducted vehicle checkup in Viruthunagar Vadamalaikuruchi Junction, the respondent stopped a vehicle bearing registration No.TN-75-AQ-7345 and searched the vehicle and seized Ganesh 71 Tobacco product, cellphone, ultra Laxmi Pressure cooker, Roop Laxmi Pressure Cooker and cash of Rs.58,500/-. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further contend that he just accompanied the main accused and he is no way connected with the said case. The petitioner is in custody from 20.08.2023. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that there is no previous case pending as against the petitioner and the investigation is in initial stage. He objected to grant bail to the petitioner.

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

7. Considering the rival submissions on either side and considering the fact that the petitioner only accompanied the main accused and considering that there is



no previous case pending and also considering the period of incarceration, I am 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 No.I, Virudhunagar, and on further conditions that:

[b] the petitioner shall report before the respondent Police daily at 10.30 A.M. 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].



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

/ TRUE COPY /

sd/-
31/08/2023

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

MRN

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUTHUNAGAR.
- 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1 CC to M/s.NA.MANIMARAN, Advocate (SR-13048[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15846 of 2023
Date :31/08/2023

SS/DD/31/08/2023/5P/7C

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