



CRL OP(MD). No.15919 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. Dalaram,

2. Mahendra Kumar,

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar,
Crime No.174/2023.

... Respondent/Complainant

For Petitioners : M/s.Narayanakumar.K.P,
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.174/2023 on the file of the respondent police

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioners/ accused who was arrested and remanded to judicial custody on 19.08.2023 for the offences punishable under Sections 328 of IPC r/w.24(1), 6(b) of Cigarette and other Tobacco Products Act in Crime No.174 of 2023 on the file of the respondent Police, seeks bail.

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 appearing for the petitioner would contend that the second petitioner was already granted bail by this Court and he seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect. He would further submit that the first petitioner is innocent and a false case has been foisted against him. He would further submit that the first petitioner was arrested and remanded to judicial custody on 19.08.2023 and the co-accused was



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granted bail by this Court, hence he may be granted bail.

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4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of banned Ganesh 71 Tobacco product, hence he objected to grant anticipatory bail to the petitioner. He fairly concedes that co-accused was granted bail by this Court.

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

6. Considering the rival submissions on either side and also considering the period of incarceration and also considering the fact that co-accused was granted bail by this Court and also considering other aspect and also considering the nature of offence charged against the first petitioner, this Court is inclined to grant bail to the first petitioner alone, subject to the following conditions:

[a] Accordingly, the first 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:

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[b] the first petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

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

[e] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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.

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7. In view of the endorsement made by the learned counsel for the petitioner, as regard the second petitioner, this petition stands dismissed as withdrawn.

sd/-
01/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR .
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE OFFICER IN CHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR
4. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR,



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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-13070[I] dated 01/09/2023)

ORDER
IN
CRL OP(MD) No.15919 of 2023
Date :01/09/2023

RK (01/09/2023) 6P / 7C

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