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CRL OP(MD). No.16307 of 2023:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.16307 and 16308 of 2023

CRL OP(MD). No.16307 of 2023:

Y.Pilavendiran @ Raja

Vs

... Petitioner/ Accused No. 2

The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.330 of 2023.

... Respondent/Complainant

CRL OP(MD). No.16308 of 2023:

Y.Pilavendiran @ Raja

Vs

... Petitioner/ Sole Accused

The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.333 of 2023.

... Respondent/Complainant

IN BOTH CASES:

For Petitioner : M/s.V.M.Jegadeeshapandian

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :- For Bail in Crime Nos.330 and 333 of 2023 on the file of the Respondent
Police

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



CRL OP(MD). No.16307 of 2023:

ORDER: The Court made the following order :-

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The petitioner / Accused herein, who was arrested on 18.08.2023, for the alleged offence under Sections 328 of IPC r/w Section 6(b), 24(1) Cigarette and other Tobacco Products Act, 2003, in Crime Nos.330 and 333 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.08.2023, on receiving an information about selling of banned Tobacco products, the respondent police went to the place, found a bag in the custody of the petitioner and other accused persons, containing 5 Kgs of banned Tobacco products. They recovered the same and registered a case in Crime No.330 of 2023. On 18.08.2023, at about 11.00 a.m, when the police party were on picketing duty at Sivakasi-Virudhunagar Main road, the petitioner came in a two wheeler TVS Jupiter with one white color sack bag. On seeing the police, he attempted to escape from that place. The police recovered the bag and found 15 kgs of banned tobacco products worth about Rs.12,000/- and registered a case in Crime No.333 of 2023.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. She has been falsely implicated in this case. Hence, she seeks for the relief of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner



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has involved in five previous cases and made objections for grant of any relief to the petitioner.

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5. Considering the facts and circumstances of this case and also considering the period of incarceration, this Court is inclined to grant relief to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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, Sivakasi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
08/09/2023

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08/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO
1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.

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

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

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



CRL OP(MD). No.16307 of 2023:

4 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

ORDER IN
CRL OP(MD). Nos.16307 and 16308 of 2023
Date :08/09/2023

SA/SAR. /08.09.2023/4P/6C

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