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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16392 of 2023

Yekimuthu

... Petitioner/ Sole Accused

Vs

State represented by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Crime No.212 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.C.Susi Kumar,
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.212 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1 herein, who was arrested on 21.08.2023 for the alleged offences under Sections 328 of Indian Penal Code, 1860 and Section 6(b) and



24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.212 of 2023, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 21.08.2023 at about 10.30 a.m., when the respondent police were on patrol duty near Chokkanathanputhur, Virudhunagar, they found the petitioner with illegal possession of 8.580 kilograms of Cigarette and other tobacco products. They seized the banned products and registered a case.

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. He has been falsely implicated in this case. Hence, he seeks for the relief of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was having two previous cases in Crime No.302 of 2019 and Crime No.447 of 2020 on the file of the Seithur Police Station and both cases were already disposed of.

5. Considering the facts and circumstances of this case and also considering the period of incarceration and the fact that the previous cases were already disposed of, this Court is inclined to grant relief to the petitioner.



6. Accordingly, this Criminal Original Petition is allowed and the petitioner 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, Rajapalayam, Virudhunagar District, and the petitioner shall file an undertaking affidavit before the trial Court that he will not indulge in any kind of offence in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
11/09/2023

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11/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.

2 Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Officer Incharge,
Sub Jail, Srivilliputhur.

4.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL OP(MD) No.16392 of 2023
Date :11/09/2023

SSA/11.09.2023/4P/6C

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