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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17070 of 2023

Marisamy

... Petitioner/1st Accused

Vs.

The State represented by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.296 of 2023.

... Respondent/Complainant

For Petitioner : Mr.E.Mareeskumar, 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.296 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who was arrested on 28.08.2023 for the alleged

offence under Section 328 IPC r/w. Sections 6(b), 24(1) of Cigarette and other Tobacco
Manufacture and Sale Act, 1975.



Products Act, 2003, in Crime No.296 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.08.2023 at about 12.30 p.m., the respondent Police along with the Police party were on patrol duty in their Police Station limit, the accused were found in illegal possession of banned tobacco products in their TVS Scooty bearing Registration No.TN 84 Z 4903 worth about Rs.54,624/- and the same was seized by the respondent Police. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he never committed any such offences as alleged by the prosecution. The petitioner is in custody from 28.08.2023. Hence, prays to release her on bail.

4. The learned Additional Public Prosecutor for the respondent Police submitted that three previous cases are pending against the petitioner, which are similar in nature.

5. Considering the nature of offence and also considering that the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction



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of the learned *Judicial Magistrate No.I, Sivakasi District*, further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offences in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. If any case is registered against the petitioner in future, the bail that has been granted in this case, will stand automatically cancelled without reference to this Court.

sd/-

21/09/2023

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21/09/2023

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAKASI.
- 3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
VIRUDHUNAGAR SUB JAIL, VIRUDHUNAGAR.



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

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-13954[I] dated 21/09/2023)

ORDER
IN
CRL OP(MD) No.17070 of 2023
Date :21/09/2023

SS/21/09/2023/4P/7C

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