



CRL OP(MD). No.17418 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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Thavamuni,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Vanniyampatti Police Station,
Virudhunagar District.
Crime No. 169 of 2023.

... Respondent/ Complainant

For Petitioner : M/s. SOLAISAMY.M,
Advocate.

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 169 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 14.09.2023 for the offences punishable under Section 328 of IPC and Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, in Crime No.169 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 14.09.2023, when the police party was on their routine check up, they found the petitioner having possession of 5 numbers



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of pockets containing banned tobacco products, worth about Rs.1,200/-. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate (Crl. side) would submit that the petitioner is having possession of 55 pockets of banned tobacco products in his shop. He has one previous case. A1 in this case been released on bail.

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

6. Considering the rival submissions on either side, considering the nature of offence, A1 in this case already has been released on bail 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.II, Srivilliputhur and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 A.M. for a period of thirty days, thereafter, as and when required for interrogation.

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



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[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].

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

sd/-
29/09/2023

/ TRUE COPY /

29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

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

3 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.



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4 THE INSPECTOR OF POLICE,
VANNIYAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1 cc to Mr.M.SOLAISAMY, Advocate, SR.No.14506 DT.03/10/2023

ORDER IN
CRL OP(MD) No.17418 of 2023
Date :29/09/2023

SA/SAR. /29.09.2023/4P/7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.