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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17760 of 2023

Jeyaraj,

... Petitioner/ Accused No.2

Vs

State rep. by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Cr.No.117/2023.

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 117/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 who was arrested and remanded to judicial custody on



29.08.2023 for the alleged offences punishable under Sections 328 of IPC and Section 6 (b), 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.117 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 151.000Kgs of banned tobacco products worth about Rs.99,420/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner in judicial custody from 29.08.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused were found in illegal possession of 151.000Kgs of banned tobacco products worth about Rs.99,420/- hence he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that no previous case is pending against the petitioner and also considering all other aspects, this Court is 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.I, Srivilliputhur and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before respondent police once a week on every Monday at 10.00 am., until further orders.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.



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vi) On breach of any of the aforesaid conditions, the learned 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/10/2023

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05/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 The Judicial Magistrate No.I, Srivilliputhur.

2 Do through the Chief Judicial Magistrate,
Virudhunagar district at srivilliputhur.

3 The Officer Incharge, Sub Jail, Srivilliputhur.

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

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



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

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+1 CC to M/s.R.ILAYARAJA, Advocate (SR-14674[I] dated 05/10/2023)

ORDER
IN
CRL OP(MD) No.17760 of 2023
Date :05/10/2023

SSA/05.10.2023/5P/7C

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