



CRL OP(MD). No.18061 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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M.Kalirajan

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No.326/2023..

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J.,
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.326/2023 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 on
27.09.2023 for the alleged offence punishable under Sections 328 of IPC and Sections



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6(b) and 24(1) of Cigarette and other tobacco Products Act, 2003 in Crime No.326 of 2023, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 2.790kgs of banned tobacco products. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 27.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused were found in illegal possession of 2.790kgs of banned tobacco products, 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.

6. Considering the facts and circumstances and also taking into consideration the period of incarceration and also taking note of 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:



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[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, Rajapalayam 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 the respondent police 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.

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



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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/-
10/10/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
SUB JAIL, SRIVILLIPUTHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.18061 of 2023
Date :10/10/2023

SS/10/10/2023/5P/6C

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