



CRL OP(MD). No.18287 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18287 of 2023

Chandran

... Petitioner / Accused No.1

Vs

State rep by

The Sub Inspector of Police,

Rajapalayam North Police Station,

Virudhunagar District.

(in Crime No.326/2023.)

... Respondent / Complainant

For Petitioner : M/s.Jothi Basu M, 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/A1, who was arrested and remanded to judicial custody on on 27.09.2023 for the alleged offence punishable under Sections 328 of IPC and Section 6(b), 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 was found in illegal possession of 2.790kgs of banned tobacco products. Hence, the case.

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 is in jail from 27.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that petitioner was found in illegal possession of 2.790kgs of banned tobacco products, hence, objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and on further conditions that:



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(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 trial Court on receipt of summons

(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 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/-
12/10/2023

/ TRUE COPY /

12/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



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To

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1.The Judicial Magistrate,
Rajapalayam, Virudhunagar District.

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

3.The Sub-Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

4.The Officer Incharge,
Sub Jail,
Srivilliputhur, Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15063[I] dated 12/10/2023)

ORDER

IN

CRL OP(MD) No.18287 of 2023

Date :12/10/2023

ED/ /SAR- (10/10/2023) 4P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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