



CRL OP(MD). No.18389 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18389 of 2023

M.Muthulakshmi,

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No. 460 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Marimuthu N,Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 460 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on
05.10.2023 for the alleged offences punishable under Sections 328 IPC r/w. Section 6



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(b), 24(1) Cigarette and other Tobacco Products Act, 2003 in Crime No.460 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted search and at that time, the petitioner herein illegally found in possession of Ganesh 701 Tobacco 5 pockets contain 15 pouch and cool lip filtered tobacco 81 pouches . Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 05.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that petitioner herein illegally found in possession of banned Ganesh 701 Tobacco 5 pockets contain 15 pouch and cool lip filtered tobacco 81 pouches worth about Rs.300/-. He would further submit that the investigation of the case is pending and hence, objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the

Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)

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



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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) to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputur and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure their identity.;

(ii) the petitioner shall appear before the trial Court on receiving summons as directed by the trial Court.

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

(iv) the petitioner shall not abscond during trial.

v) 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].



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

sd/-
13/10/2023

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13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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

ORDER
IN
CRL OP(MD) No.18389 of 2023
Date :13/10/2023

PKP/13.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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