



CRL OP(MD). No.18439 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

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Maharani,

... Petitioner/ Accused No.4

Vs

State Rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.346 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Mareeskumar E,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. 346/ 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 03.10.2023

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



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for the alleged offences punishable under Sections 328 IPC r/w. 6(b), r/w. 24(1) Cigarette and Tobacco Products Act, 2003 in Crime No.346 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 and other accused have illegally found in possession of 48 Number of Ganesh 701 Tobacco Products. 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 03.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that on receiving secret information, the respondent police conducted search and at that time, the petitioner herein and other accused have illegally found in possession of 48 Number Ganesh 701 Tobacco Products. He would further submit that the petitioner is not having any previous case and the investigation of the case is pending and hence, objected to grant bail to the petitioner.

5. Considering the nature of allegations made against the petitioner and that he is not having any previous case and also considering the period of incarceration and



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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) to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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.I
SIVAKASI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-15161[I] dated 13/10/2023)

ORDER
IN

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Date :13/10/2023

PKP/13.10.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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