



CRL OP(MD). No.18603 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18603 of 2023

Vellaichamy @ Rajesh,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
Crime No. 167 of 2023.

... Respondent/Complainant

For Petitioner : M/s.SURESH KANNAN C, 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.167 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 02.10.2023 for the offences punishable under Section 328 IPC and Sections 24(1) and 6(b) of Cigarette and other Tobacco Products Acts, 2003 in Crime No.167 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 55 pockets of Ganesh 701 of banned tobacco products worth about

Rs.6,600/-. Hence, the complaint.

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



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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 02.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in illegal possession of 55 pockets of Ganesh 701 of banned tobacco products worth about Rs.6,600/-, hence he strongly objected to grant bail to the petitioner. The petitioner is having two previous cases of similar in nature.

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

6. Considering the facts and circumstances 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) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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.II, Virudhunagar, 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 respondent police daily at 10.00 a.m. 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 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/-
01/11/2023

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01/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-15796[I] dated 01/11/2023)

ORDER IN
CRL OP(MD) No.18603 of 2023
Date :01/11/2023

SA/SAR. /01.11.2023/4P/7C

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