



CRL OP(MD)No.18868 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18868 of 2023

A.Ramkumar

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Gandhi Market Police Station,

Trichy.

Crime No.1330 of 2023

... Respondent/Complainant

For Petitioner : Mr.B.Ramasubramanian, 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.1330 of 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 29.08.2023 for the alleged offence punishable under Section 328 IPC r/w Section 24(1) of the Cigarette and other Tobacco Products Act in Crime No.1330 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.08.2023, at about 01.00 pm., when the defacto complainant returned to home, the petitioner parked his car bearing



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Reg.No.TN 23 AW 3003 and distributed a pocket, worth about Rs.280/-, to the laborers. The petitioner gave one sample pocket to the defacto complainant and when he consumed the same, he felt irritation. 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 29.08.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner illegally sold banned tobacco products and hence, he objected to grant bail to the petitioner. However, he would fairly submit that no previous case is pending as against the petitioner.

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

6.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)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

7.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



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the satisfaction of the learned Judicial Magistrate No.V, Tiruchy and on further
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conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons

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

(iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-

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

gns
TO

1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



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3 THE INSPECTOR OF POLICE, GANDHI MARKET POLICE STATION, TRICHY.

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4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.

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

+2 CC to M/s.AK.GOPALAN, Advocate (SR-15419[I] dated 19/10/2023)

ORDER
IN

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Date :19/10/2023

RS//SAR-(19.10.2023) 4P 8C

Madurai Bench of Madras High Court is issuing
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