



CRL OP(MD). No.18935 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18935 of 2023

Muthukrishnan,

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.189/2023.

... Respondent/Complainant

For Petitioner : Mr.C.Jeya Prakash, 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.189 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 06.10.2023 for the offences punishable under Section 328 of IPC, Section 6(b) and 24(1)

of COTPA Act 2003 and Section 77 of Juvenile Justice Act in Crime No.189 of 2023 on

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



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the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.10.2023, based on the secret information, the respondent police conducted search in the first accused shop and found that A1 was in illegal possession of 2.000kgs of banned tobacco products worth about Rs.4,200/- for the purpose of selling to the public and college students. Based on the confession given by A1, the petitioner was implicated in this case. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 06.10.2023, hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having three previous cases and the investigation is pending. However, he opposed to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration and 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,

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



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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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, and on further conditions that:

(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].



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

sd/-
03/11/2023

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03/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE
CENTRAL PRISON, VIRUDHUNAGAR
- 4 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.C.JEYAPRAKASH, Advocate (SR-15901[I] dated 03/11/2023)

ORDER
IN
CRL OP(MD) No.18935 of 2023
Date :03/11/2023

PKP/03.11.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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