



CRL OP(MD)No.19096 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble **Mr.Justice V.SIVAGNANAM**

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G.Selvakumar

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : Mr.G.Anto Prince, 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.163 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 01.10.2023



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for the alleged offence punishable under Sections 272, 273 and 328 IPC in Crime
No.163 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.10.2023, based on the information, the police searched the store of the petitioner herein and they found that the petitioner was in illegal possession of banned tobacco. 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 01.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that was found in illegal possession of banned tobacco, hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

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



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6. Considering the facts and circumstances and also taking into consideration 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, 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.I, Kuzhithurai, Kanyakumari District 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 summons.

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



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(v) the petitioner shall not abscond during trial.

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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/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



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3 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
SUB PRISON, KUZHITHURAI, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-15645[I] dated 30/10/2023)

ORDER
IN

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Date :30/10/2023

SS/SAR- /30/10/2023/5P/7C

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