



CRL OP(MD). No.19117 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19117 of 2023

Victor Velankanni

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Malli Police Station,
Virudhunagar District.
Crime No. 131 of 2023.

... Respondent/Complainant

For Petitioner : M.Jothi Basu,
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. 131 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



CRL OP(MD). No.19117 of 2023

custody on 11.10.2023 for the alleged offence punishable under Sections 328 IPC r/w. 6(b), 24(1) Cigarette and other Tobacco Products Act, 2003 in Crime No.131 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.10.2023 when the respondent police conducted a surprise inspection, the petitioner herein has illegally found in possession of banned 15 Ganesh Pockets and 30 Pan Masala pockets from him. 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 11.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein said to have illegally found in possession of banned 15 Ganesh Pockets and 30 Pan Masala pockets from him. He would further submit that the petitioner herein is having one previous case and the investigation of the case is pending.



CRL OP(MD). No.19117 of 2023

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5. 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.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputur and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

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

(iii) the petitioner shall not abscond during trial.



CRL OP(MD). No.19117 of 2023

(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].

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

sd/-
31/10/2023

/ TRUE COPY /

31/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
MALLI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.



CRL OP(MD). No.19117 of 2023

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15682[I] dated 31/10/2023)

ORDER
IN
CRL OP(MD) No.19117 of 2023
Date :31/10/2023

SS/SAR- /31/10/2023/5P/7C

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