



CRL OP(MD). No.19288 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19288 of 2023

Annasamy,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Sub Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No. 262 of 2023.**

... Respondent/Complainant

For Petitioner : R.J.Karthick, 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. 262 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /accused who was arrested and remanded to judicial custody on

05.10.2023 for the offences under sections 328 of IPC and Sections 272, 273 and 328 of

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



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IPC and section 6(b), 24(1) of the Cigarettes and other Tobacco Products Act, 2003 in Crime No. 262 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 81.862 kgs banned tobacco products worth about Rs. 69,360/-, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the petitioner is in judicial custody from 05.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of banned tobacco products worth about Rs. 69,360/-, hence he objected to grant bail to the petitioner. He further submitted that the investigation is almost over.

5. Taking into consideration of the facts and circumstances of the case and the investigation is almost over and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate Court, Rajapalayam, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the

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



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Current Account No. 7567821433, Indian Bank, High Court Branch, Madurai (IFSC Code: IDIBI000H040), opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, towards Kalaignar Centenary Library and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/11/2023

/ TRUE COPY /

10/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM,.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT.
- 4 THE SUB INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN

CRL OP(MD) No.19288 of 2023
Date :10/11/2023

PKP/10.11.2023/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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