



CRL OP(MD). No.19546 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19546 of 2023

Karuppasamy,

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
Cr.No.186/2023.

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar,
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.186/2023 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 13.10.2023 for the alleged offence punishable under Section 328 IPC and Section 7 and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.186 of 2023, on the file of the respondent police, seek bail.



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2. The case of the prosecution is that on receiving a secret information the respondent police conducted a raid and at that time, the petitioner herein has illegally found in possession of banned 87 pockets of Tobacco products worth about Rs.11,950/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner only standing in front of the shop and he has not committed any offence as alleged by the prosecution and he is in jail from 13.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein is having four previous cases and the property was recovered from the petitioner herein and the investigation of this case is pending.

5. Considering the facts and circumstances 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



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sureties each for a like sum to the satisfaction of the learned Judicial Magistrate

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No.II, Virudhunagar and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

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

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

(iv) the petitioner shall not abscond during trial.

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

sd/-
30/11/2023

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30/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.T.LENINKUMAR, Advocate (SR-17090[I] dated 30/11/2023)

ORDER

IN

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Date :30/11/2023

SS/SAR- /30/11/2023/5P/7C

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