



CRL OP(MD). No.20191 of 2023

WEB COPY

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

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20191 of 2023

1. Venkatesh

2. Ananth

... Petitioners / Accused No.1 & 2

Vs

State rep by its
The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
(Crime No.193 of 2023).

... Respondent / Complainant

For Petitioners : Mr.R.Ilayaraja, Advocate.
For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime no.193 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / A1 and A2 who was arrested and remanded to judicial custody



CRL OP(MD). No.20191 of 2023

on 31.10.2023 for the offences under sections 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.193 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 17,930kgs of banned tobacco products , hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are in judicial custody from 31.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused were found in illegal possession of 17,930kgs of banned tobacco products, hence he objected to grant bail to the petitioner. However he fairly concedes no previous case is pending against the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also taking into consideration the fact that no previous case is pending against the petitioners and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioners , subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with



CRL OP(MD). No.20191 of 2023

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

WEB COPY

No.II, Virudhunagar and on further conditions that :-

[a] the sureties shall affix their photographs 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.

[b] the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only)each 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 Kalaigiar Centenary Library and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[c] the petitioners 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 petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail



CRL OP(MD). No.20191 of 2023

by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

WEB COPY

Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
09/11/2023

/ TRUE COPY /

09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

- 1.The Judicial Magistrare No.II,
Virudhunagar.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
- 4.The Officer Incharge,
District Jail,
Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). No.20191 of 2023

Copy to:

WEB COPY

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Officer Incharge,
Kalaighnar Centenary Library,
Madurai.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-16099[I] dated 09/11/2023)

ORDER

IN

CRL OP(MD) No.20191 of 2023

Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 9C

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