



CRL OP(MD). No.20223 of 2023

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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.20223 of 2023

Sundaralingam

... Petitioner / Sole Accused

Vs

State rep by its
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.215 of 2023).

... Respondent / Complainant

For Petitioner : 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.215 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
31.10.2023 for the offences under sections 328 of IPC and Sections 6(b), 24(1) of



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Cigarette and Other Tobacco Products Act,2003 in Crime No.215 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 24.750kgs banned tobacco products worth about Rs.13,200/-, hence the case.

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

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of 24.750kgs banned tobacco products worth about Rs.13,200/- , hence he objected to grant bail to the petitioner. However he fairly concedes no previous case is pending against the petitioner.

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 petitioner 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



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for a like sum to the satisfaction of learned Judicial Magistrate No.II, Virudhunagar

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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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India, Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, 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



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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].

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



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Copy to:

The District Siddha Medical Officer,
CCRI,
Periyakulam.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-16100[I] dated 09/11/2023)

ORDER
IN
CRL OP(MD) No.20223 of 2023
Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 8C

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