



CRL OP(MD). No.20369 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

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Munisamy

... Petitioners/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Srivilliputhur Town Police Station,

Srivilliputhur,

Virudhunagar District.

Cr.No.486/2023.

... Respondent/Complainant

For Petitioner : Mr.J.Sankarapandian, Advocate.

For Respondent : Mr.R.M.S.Sethurman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 486/2023 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 custody on 01.11.2023 for the offences under sections 328 of IPC and Sections 6(b), 24 (1) of Cigarette and Other Tobacco Products Act,2003 in Crime No.486 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 701 pockets banned Ganesh tobacco in his TVS Jupiter two wheeler



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bearing Reg. No. TN 84 P 5835 and a sum of Rs.5200/- from the sale proceeds, hence the case.

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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 01.11.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 701 pockets banned Ganesh tobacco in his TVS Jupiter two wheeler bearing Reg. No. TN 84 P 5835 and a sum of Rs.5200/- from the sale proceeds hence he objected to grant bail to the petitioner. However he fairly concedes the property and the amount has been recovered.

5. Taking into consideration of the facts and circumstances of the case and also taking into consideration the fact that the property and the amount has been recovered 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 No.II, Srivilliputhur Virudhunagar District and on further conditions that :-

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



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity.

[b] 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.

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

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

[e] 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].

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

sd/-

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10/11/2023

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

AAV

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

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Date :10/11/2023

RS//SAR-(10.11.2023) 4P 6C

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