



CRL OP(MD). No.20453 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.20453 of 2023

Muthukumar,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.
Cr.No.471/2023.

... Respondent/ Complainant

For Petitioner : M/s.MAHALINGA ARIVALAGAN.T,
Advocate.

For Respondent : Mr.RMS.SETHURMAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 471/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 20.10.2023 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.471 of 2023 on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.8680/- and a sum of Rs.1,17,300/-, 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 20.10.2023, 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 banned tobacco products worth about Rs.8680/- and a sum of Rs.1,17,300/- and he would further submit that the petitioner is having one previous cases 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, Sivakasi and on



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further conditions that :-

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[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.5,000/- (Rupees Five 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 learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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.

AAV
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.



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

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI,
PERIYAKULAM

+1 CC to M/s.T.MAHALINGA ARIVALAGAN, Advocate (SR-16240[I] dated
10/11/2023)

ORDER
IN
CRL OP(MD) No.20453 of 2023
Date :10/11/2023

SA/SAR. /10.11.2023/5P/8C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.