



CRL OP(MD). No.20996 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20996 of 2023

Prakash,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi
Kanniyakumari District.
Crime No.274/2023.

... Respondent/ Complainant

For Petitioner : N.Pragalathan,
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.274/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 03.11.2023 for the alleged offence punishable under Section 328 IPC and Section 24 (1), 6(a) of the Cigarettes and other Tobacco Products Act (COPTA), 2003 in Crime No.274 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent police conducted the raid and at that time, the petitioner herein has illegally found in possession of 168 Kgs of banned Tobacco products worth about Rs.1,42,000/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 03.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein has illegally found in possession of 168 Kgs of



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Tobacco products worth about Rs.1,42,000/- and there is no previous case pending against the petitioner. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Boothapandi, Kanniyakumari District 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 once in a month i.e., on first working day of every English Calender month at 10.30 am until further orders.



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(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].

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

sd/-
22/11/2023

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22/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

1. The Judicial Magistrate, Boothapandi, Kanniyakumari District.
2. Do through the Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil.



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3. The Officer Incharge, District Jail,
Nagercoil, Kanniyakumari District.

4. The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi
Kanniyakumari District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to N.PRAGALATHAN Advocate SR.No.16709

ORDER
IN

CRL OP(MD) No.20996 of 2023

Date :22/11/2023

SSA/(22.11.2023)/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.