



CRL OP(MD)No.21040 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21040 of 2023

Arulraj

... Petitioner/ Accused

Vs

The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No. 451 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Sivakumar Rajappan,Advocate for
M/s.Law Shine

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.451 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, who was arrested and remanded to judicial custody on 06.11.2023 for the alleged offence punishable under Sections 328 IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.451 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police were on picketing duty, the petitioner attempted to escape on seeing them and the respondent police surrounded him and searched the petitioner, during which time, he was found in possession of 2.520 kgs of banned tobacco products worth of Rs.2,520/-. Hence, the case.

3.The learned Counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 06.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that when the respondent Police were on picketing duty, the petitioner attempted to escape on seeing them and the respondent police surrounded him and searched the petitioner, during which time, he was found in possession of 2.520 kgs of banned tobacco products worth of Rs.2,520/-. He would also submit that there are

four previous cases pending against the petitioner. Hence, he strongly objected to



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grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances and also taking into consideration the period of incarceration and 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 as against the petitioner, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Rajapalayam and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) 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

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



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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].

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

sd/-
08/12/2023

/ TRUE COPY /

08/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, SRIVILLIPUTHUR, VIRUDHUNAGAR



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

+1 CC to M/s.SIVAKUMAR RAJAPPAN, Advocate (SR-17445[I] dated 08/12/2023)

ORDER
IN
CRL OP(MD) No.21040 of 2023
Date :08/12/2023

PKP/08.12.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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