



CRL OP(MD). No.21200 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.21200 of 2023

S.Nagarajan,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
Crime No.231/2023.

... Respondent/Complainant

For Petitioner : Mr.S.SURESH KUMAR, 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.231/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.11.2023 for the alleged offences punishable under Sections 328 of IPC and Section 24(1), 6(a) of Cigarette and Tobacco Products Act, 2003 in Crime No. 231of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 385kgs of banned tobacco products in a TATA Sumo bearing Reg. No. KL 01 AP 8709. Hence the case.



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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 05.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused have illegally transported 385kgs of banned tobacco products in a TATA Sumo bearing Reg. No. KL 01 AP 8709, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that no previous case is pending against the petitioner 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, this Court is inclined to grant bail to the petitioner, 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, Boothapandy, Kanyakumari District and on further conditions that:



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(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 respondent police once in a week on every Monday at 10.30 am., until further orders;

(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 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/-
24/11/2023

/ TRUE COPY /

24/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

1 THE JUDICIAL MAGISTRATE COURT,
BOOTHAPANDY, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, KANYAKUMARI DISTRICT.

4 THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SURESH KUMAR, Advocate (SR-16851[I] dated 24/11/2023)

ORDER IN

CRL OP(MD) No.21200 of 2023

Date :24/11/2023

SA/SAR. /24.11.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.