



CRL OP(MD)No.21603 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21603 of 2023

Bharathapoojan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.312 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,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.312 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.11.2023 for the alleged offence punishable under Sections 272, 273 and 328 IPC and Sections 6 (b), 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.312 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.11.2023, when the respondent police on patrol duty, they found that the petitioner herein was in illegal possession of banned tobacco products weighing 8.849 kgs in his petty shop. 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 21.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending as against 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)

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



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1 SCC 40, 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 respondent police once in 15 days 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].



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

229A IPC.

sd/-
30/11/2023

/ TRUE COPY /

30/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

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



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

ORDER
IN
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Date :30/11/2023

PKP/30.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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