



CRL OP(MD). No.22254 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22254 of 2023

Maruthupandi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
(Crime No.767/2023).

... Respondent/Complainant

For Petitioner : M/s.Dinesh.K,
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.767 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on on 28.11.2023 for the alleged offence punishable under Sections 272, 273, 328 of IPC, 6(a), 24(1) of COTPA Act, 2003 r/w 77 of Juvenile Justice Act in Crime No.767 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.11.2023, at about 10.00 a.m, on the secret information, the defacto complainant and his team inspected the petty shop of the petitioner and found that the petitioner was in possession of 25 packets of Ganesh prohibited tobacco product for sale to the school going children. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 28.11.2023. Hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in possession of 25 packets of Ganesh prohibited tobacco product for sale to the school going children. He would further



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submit that 1 previous case is pending against him in similar nature. Hence, he strongly objected to grand 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, 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 The Judicial Magistrate-II, Madurai, 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 first working day of every month at 10.30 am., until further orders.



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(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/-
11/12/2023

/ TRUE COPY /

11/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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1. The Judicial Magistrate No.II, Madurai..
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Officer in charge, District Jail, Madurai..
4. The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.DINESH, Advocate (SR-17523[I] dated 11/12/2023)

ORDER
IN
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Date :11/12/2023

RK (11/12/2023) 5P /7 C

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