



CRL OP(MD). No.23017 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Nagarajan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Peraiyur Police Station,
Madurai District.
Crime No.255/2023..

... Respondent/Complainant

For Petitioner : M/s.Balaji.A,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.255/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/02.12.2023, who was arrested and remanded to judicial custody on 02.12.2023 for the alleged offences punishable under Sections 24(1) of COTPA Act, 2003 and Section 328 of IPC r/w.Section 77 of Juvenile Justice Act in Crime No.255



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of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 02.12.2023 the petitioner was found in illegal possession of 750 packets of various brands banned tobacco products. 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 02.12.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that on 02.12.2023 the petitioner was found in illegal possession of 750 packets of various brands banned tobacco products, 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 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:



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[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 District Munsif cum Judicial Magistrate, Peraiyur 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 receipt of 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 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/-
20/12/2023

/ TRUE COPY /

20/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.A.BALAJI, Advocate (SR-18114[I] dated 20/12/2023)

ORDER
IN
CRL OP(MD) No.23017 of 2023
Date :20/12/2023

SS/SAR- /20/12/2023/5P/7C

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