



CRL OP(MD). No.309 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.309 of 2024

Karthick

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
Crime No.283 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.M.Sankar
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 283 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 / A2, who was arrested and remanded to judicial custody on 16.12.2023 for the offence punishable under Sections 328 of IPC and Section 6(b) & 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No. 283 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 16.12.2023, when the respondent police was on picketing duty, they found the petitioner with possession of prohibited Ganesh brand Tobacco products. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 16.12.2023. Hence, he prays for bail.

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



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5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and no antecedent is reported against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Alangulam, Tenkasi District and on further conditions that:

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

(ii) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)



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for the purpose of constructing Cancer Institute, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;



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229-A IPC.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-

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/01/2024

Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,

Madurai - 625 023.

dss

TO

1. THE JUDICIAL MAGISTRATE, ALANGULAM, TENKASI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4.THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO

THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI

+1 cc MR.M.SANKAR, Advocate SR-467 dated 10.01.2024

ORDER

IN

CRL OP(MD) No.309 of 2024

Date :09/01/2024

RK/ (09/01/2024) 5P / 8C

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