



CRL OP(MD). No.465 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Manokaran

... Petitioner/ Sole Accused

Vs

The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.368 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R L, Advocate.
For Respondent : Mr.B.Nambiselvan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.368 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / sole accused, who was arrested and remanded to judicial custody on 26.12.2023 for the offence punishable under Section 328 of IPC and Sections 5, 7(1) and 7(2) of Cigarette and other Tobacco Products Act, 2003, in Crime



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No.368 of 2023 on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that on 26.12.2023, when the respondent police was on picketing duty, they found the petitioner with possession of 2.850 kgs of prohibited 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 26.12.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, 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 his 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, Papanasam, Thanjavur District, and on further conditions that:



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(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;

(b) the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

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

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

(f) 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



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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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

/ TRUE COPY /

10/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate,
Papanasam, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.TheInspector of Police,
Papanasam Police Station,
Thanjavur District.

4.The Officer Incharge,
District Prison,
Thanjavur, Thanjavur District.



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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,
Rojavanam,
Home for aged and poor,
Madurai.

ORDER
IN
CRL OP(MD) No.465 of 2024
Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 7C

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