



CRL OP(MD). No.3761 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Parasmal @ Parasumal

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
Crime No.52/2024.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran, Advocate.

For Respondent : Mr.B.Nambi Selvan, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.52/2024 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 14.02.2024 for the offences punishable under Sections 24(1) r/w 6 of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.52 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.02.2024, based on the secret

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information, the respondent police conducted search in the petitioner's shop and seized few Gudka and pan masala packets in the shop of the petitioner. Totally, the respondent police recovered 90.500kgs of Gudka and pan masala from the petitioner. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is in judicial custody since 14.02.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.25,000/- to the learned Judicial Magistrate, Melur, Madurai District, for constructing a toilet to the Women Advocates without prejudice to his defence before the trial Court and hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed to grant bail stating that the petitioner was in possession of 90.500kgs of Gudka and pan masala. However, he fairly conceded that the petitioner has no previous case.

5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6.Accordingly, this Criminal Original Petition is ordered and the petitioner is



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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 No.2, Madurai, 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;

(b) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the learned Judicial Magistrate, Melur, Madurai District, without prejudice to his rights and contentions before the trial Court and the petitioner is further directed to produce a copy of the Demand Draft before the trial Court, while executing the sureties; Thereafter, the learned Judicial Magistrate shall spend the amount for constructing a toilet to the Women Advocates;

(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



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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;

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

sd/-
08/03/2024

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08/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.2, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, THILAGAR THIDAL POLICE STATION,
MADURAI DISTRICT.

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

COPY TO

THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

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+1 CC to M/s.R.MAHESWARAN, Advocate (SR-2954[I] dated 08/03/2024)

ORDER
IN

CRL OP(MD) No.3761 of 2024

Date :08/03/2024

RS//SAR-(08.03.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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