



CRL OP(MD).No.5387 of 2024

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

Date : 17.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5387 of 2024

Hira Ram Chodhary

... Petitioner/ Sole Accused

Versus

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.182 of 2024)

...Respondent/ Complainant

For Petitioner : Mr.M.Prabu, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.182 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.182 of 2024 for the offence under Section 328 IPC and Section 24(1) of Cigarette and Other Tobacco Products Act 2003 and remanded him into judicial custody on 21.03.2024. Therefore, the petitioner has filed this petition seeking bail.



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2. The case of the prosecution is that the petitioner was found in possession of 2400 packets of various brands of banned tobacco products, which are dangerous to the human life.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 21.03.2024.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case.

5. Considering the nature of allegation, the period of incarceration and also considering the fact that the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Thoothukudi.

ii) The petitioner and the sureties shall submit a copy of their



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Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall appear before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. He has to co-operate for the investigation.

iv) The petitioner shall file an undertaking affidavit before the respondent Police that he will not sell any prohibited and banned tobacco products in future.

v) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

vi) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
17/04/2024

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17/04/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To
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- 1.The Principal Sessions Judge,
Thoothukudi.
- 2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 3.The Officer Incharge,
Sub Jail,
Kovilpatti, Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5387 of 2024
Date :17/04/2024

ED/ /SAR- (17/04/2024) 4P / 5C

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