



CRL OP(MD). No.7385 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7385 of 2024

1.Prabakaran,

2.Jagadeesh,

... Petitioners/ Accused 1&2

Vs

The Sub Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(In Crime No.110/2024).

... Respondent/ Complainant

For Petitioners : Mr.D.Dhana Chandra Prakash.
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.110/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/accused 1 & 2, who were arrested and remanded to judicial custody on 08.05.2024, for the offence under Sections 328 of IPC and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and 4(i)(a) of Tamil Nadu Prohibition Act, in Crime No.110 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.05.2024, the respondent police intercepted a Lorry bearing Registration No.TN 29 CV 3394 and seized 770 packets of 701 Ganesh Brand Tobacco packets and 55 packets of cool leaf brand tobacco packets, 11 nos of 750ml Delux Whisky bottles and 1 bottle special whishky. The petitioners are the driver and the cleaner of the above vehicle. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that since the petitioners are the driver and the cleaner of the above vehicle, they have been implicated in this case and they are not aware of the offensive goods loaded in the vehicle. They have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 08.05.2024. Hence, he prays for grant of

bail to the petitioners.

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4. The learned Additional Public Prosecutor appearing for the respondent police submits that the investigation in this case is yet to be completed. He further submits that no previous case is pending as against these petitioners.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration and also considering the antecedent of the petitioners, this court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.I, Virudhunagar and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation.



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- c) the petitioners shall not abscond either during investigation or trial.
- d) the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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].
- f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

/ TRUE COPY /

23/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO

1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.

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- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, ARUPPUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7385 of 2024
Date :22/05/2024

PKP/22.05.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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