



CRL OP(MD). No.7445 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

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Muthu Kumara Vel @ Karthick

... Petitioner/1<sup>st</sup> Accused

Vs

The Inspector of Police,  
Sattur Taluk Police Station,  
Virudhunagar District.  
Crime No.51 of 2024.

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.51 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / 1<sup>st</sup> Accused, who was arrested and remanded to judicial custody on 17.04.2024 for the offence under Sections 328 of IPC r/w. Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.51 of 2024 on the file of the respondent police seeks bail.



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2. The case of the prosecution is that on 17.04.2024 at about 19.00 hours, when the defacto complainant was conducting vehicle check up in Thottilovanpatti Police check post, the petitioner and others were found in illegal transportation of banned tobacco products using a car. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is no way connected with the alleged offences. Further, and the petitioner is in custody from 17.04.2024. However, the petitioner is ready to deposit a sum of Rs.1,00,000/- to the Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, without prejudice to his defence before the trial Court. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is having seven previous cases, which are in similar nature. Hence, he prays to dismiss this petition.

5. Heard both sides. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering 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



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bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Sattur, and on further conditions that :-

[a] as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) in favour of the Headmaster, Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, bearing Account No.10968750674, IFSC No.SBI0002246, State Bank of India, Othakadai Branch, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for purchasing the benches and desks for 12 newly constructed class rooms under "Namakku Naame" Scheme and file necessary proof before the learned Magistrate;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness 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 imposed and the petitioner is 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
22/05/2024

/ TRUE COPY /

22/05/2024

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

Indu  
TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SATTUR TALUK POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.



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

COPY TO

THE HEADMASTER,  
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,  
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-5561[I] dated 22/05/2024 )

ORDER  
IN

CRL OP(MD) No.7445 of 2024  
Date :22/05/2024

RS//SAR-(22.05.2024) 5P 8C  
Madurai Bench of Madras High Court is issuing  
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