



CRL OP(MD). No.7450 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.7450 of 2024

1.Habeeb

2.Mohammed Safeel

... Petitioners/ Accused Nos.2 and 3

Vs.

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

... Respondent/Complainant

For petitioners : 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 petitioners / Accused Nos.2 and 3, who were 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 petitioners and others were found in illegal transportation of banned tobacco products using a car. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and are no way connected with the alleged offences. Further, and the petitioners are in custody from 17.04.2024. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are having no previous cases at their credit. 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 petitioners, subject to the following conditions:

7. 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.II, Sattur, 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 his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioners 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;

[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 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].

[f] 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.



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TO

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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.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-5560[I] dated 22/05/2024)

ORDER

IN

CRL OP(MD) No.7450 of 2024

Date :22/05/2024

RS//SAR-(22.05.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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