



CRL OP(MD).No.7881 of 2024

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

Date : 29.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD).No.7881 of 2024

P.Dharmaraj

... Petitioner/ Accused No.1

versus

The State Rep. by
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.51 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Dinesh, Advocate
For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side)

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/A1, who was arrested and remanded to judicial custody on 18.05.2024 for the offences under Sections 272, 273, 328 IPC and Sections 6(b) and



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24(1) of COTPA Act, in Crime No.51 of 2024 on the file of the respondent police,
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seeks bail.

2. The case of the prosecution is that on 18.05.2024, at about 7.30 a.m. when the police officials were on patrol duty, they found that the petitioner along with other accused was in possession of banned tobacco products worth about Rs.1,500/-. Hence, the case.

3. The learned counsel appearing 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 18.05.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner is having three previous cases of similar in nature and the investigation is yet to be completed. Therefore, he opposes for grant of bail to the petitioner.

5. The learned counsel appearing for the petitioner disputed the same and submits that as on date, there is no previous case pending against the petitioner.

6. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner with certain conditions.

7. 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/-

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(Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction

of learned Judicial Magistrate No.II, Sivakasi, 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] the petitioner shall appear before the respondent Police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation by the respondent Police.

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

[d] the petitioner 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 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].



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

sd/-
29/05/2024

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29/05/2024
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

- 1.The Judicial Magistrate No.II,
Sivakasi.
 - 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
 - 3.The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
 - 4.The Officer Incharge,
Sub Jail,
Srivilliputhur.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.DINESH, Advocate (SR-5916[I] dated 29/05/2024)



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ORDER

IN

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Date :29/05/2024

ED/ /SAR- (29/05/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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