



CRL OP(MD)No.7983 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.7983 of 2024

1.Munisamy

2.Syed Sulthan

... Petitioners/ Accused Nos.1 & 2

Vs

The State, Rep., by
The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.
(Crime No.252 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.J.Sankarapandian, 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.252 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A1 and A2, who were arrested and remanded to judicial



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custody on 15.05.2024 for the offences under Section 328 IPC and Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.252 of 2024 on the file of the respondent police seek bail.

2. The case of the prosecution is that on getting secret information, the complainant made a patrol nearby R.S.R. Petrol Bulk in Sivakasi to Satur Road and found that the petitioners were waiting in a four wheeler and on inspection, the respondent police found that the petitioners were in possession of 220 pockets of Ganesh Tobacco and 100 pockets of Bullet rani tobacco product. Thereafter, the respondent police seized the tobacco products and the petitioners' four wheeler. Hence, the case.

3. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution and seeks bail.

4. The learned Government Advocate (Crl. Side) for the State would submit that four previous cases in similar nature are pending against the petitioners and made objection for grant of bail.

5. Heard the learned counsel for the petitioners and also the learned Government Advocate (Crl. Side).

6. Considering the facts and circumstances of the case and also taking note of the



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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, Sivakasi, Virudhunagar District 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 petitioners shall report before the respondent police daily at 11.00 a.m., for a period of four weeks 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 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].



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[f] If the accused persons thereafter abscond, 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.

ABR

To

1.The Judicial Magistrate No.II,
Sivakasi.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.

4.The Officer Incharge,
District Jail,
Virudhunagar District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.SANKARAPANDIAN, Advocate (SR-5960[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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