



CRL OP(MD). No.10093 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. Ilayaraja
2. Sureshkumar
3. Ragul Richard

... Petitioners/ Accused No.1 to 3

Vs

The Inspector of Police,
Ganthi Market Police Station,
Trichy City,
Crime No.372/2024.

... Respondent/Complainant

For Petitioners : Mr.K.Rajesh, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC 439 OF CR.P.C.

PRAYER :-

For Bail in Crime No.372/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 14.06.2024 for the offences punishable under Sections 328 I.P.C r/w. Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.372 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused were in

illegal possession of Tobacco products.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in custody from 14.06.2024. Hence, he prayed to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police would strongly oppose this petition on the ground that the investigation is pending and the value of the tobacco product is Rs.56,000/-. He further submits that the petitioners are not having any previous case.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and the fact that there is no bad antecedent, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on 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 the Judicial Magistrate No.V, Trichy.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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(ii) the petitioners shall report before the respondent police daily at 10.30 a.m.

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For a period of four weeks and thereafter, as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) 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 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].

(vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
09/07/2024

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09/07/2024

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

LS
TO

1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, GANTHI MARKET POLICE STATION,
TRICHY CITY.

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4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.RAJESH, Advocate (SR-7653[I] dated 09/07/2024)

ORDER
IN

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Date :09/07/2024

RS//SAR-(09.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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