



CRL OP(MD). No.10563 of 2024

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

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN  
CRL OP(MD). No.10563 of 2024

Ashokkumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Vembakkottai Police Station,  
Virudhunagar District,  
(Crime No.159/2024. )

... Respondent/Complainant

For Petitioner : M/s.S.Prabha, 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.159/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 01.07.2024 for the offences punishable under Section 123 of the Bharathiya Nyaya Sanhita (BNS), 2023 and Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003, in crime No.159 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 15 gms of Ganesh Tobacco 10 pockets and Coolib Filter Tobacco 12 pockets. Hence,



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the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 01.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that t petitioner was in illegal possession of Tobacco products, worth about Rs.400/- and there is no previous case pending against the petitioner. He would further submit that investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.II, Sattur, Virudhunagar District, and on further conditions that;

(i) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police as and when required for interrogation;

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

(iv)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
16/07/2024

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16/07/2024  
Sub-Assistant Registrar (A.E )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

DSS



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To

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1.The Judicial Magistrate No.II,  
Sattur, Virudhunagar District.

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

3.The Inspector of Police,  
Vembakkottai Police Station,  
Virudhunagar District.

4.The Officer Incharge,  
District Prison, Virudhunagar.

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

ORDER  
IN

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Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 6C

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