



CRL OP(MD). No.23555 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.23555 of 2023

E.Kesavan,

... Petitioner No.1/ Accused No.1

Vs

The State rep. by,
The Sub Inspector of Police,
Mathichiyam Police Station,
Madurai.
In Crime No.774/2023.

... Respondent/Complainant

For Petitioner : M/s.Vinothini.K,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.774/2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 02.12.2023 for the offence punishable under Sections 273 of Indian Penal Code, 6(a) r/w 24(1) of Cigarettes and other Tobacco Products Act, 2003 and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.774 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner has sold the banned Tobacco products to the school going students and was found in illegal possession of 5 pockets of prohibited Ganesh brand Tobacco products. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 02.12.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, there are five previous cases pending against the

petitioner.

<https://www.jmc.tn.gov.in/judis>



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5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Court-II, Madurai 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 petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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trial;

(d)the petitioner shall not abscond 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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

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03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb



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TO
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1. The Judicial Magistrate II,
Madurai District.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent,
Central Prison,
Madurai.
4. The Sub Inspector of Police,
Mathichiyam Police Station,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.VINOTHINI, Advocate (SR-58[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.23555 of 2023
Date :03/01/2024

SSA/03.01.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023