



CRL OP(MD). No.23596 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.23596 of 2023

Sathiya,
W/o.Murugan(Late),

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.538/2023.

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan.T,
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.538/2023 on the file of the respondent police



CRL OP(MD). No.23596 of 2023

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 15.12.2023 for the offence punishable under Sections 272, 273 and 328 of Indian Penal Code, 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.538 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 15.12.2023 at about 08.30 a.m., when the respondent police was on picketing duty at police check post, Ayyampatti, they found the petitioner with possession of 1.125 Kgs 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 she 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 15.12.2023. Hence, he prays for bail.

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



CRL OP(MD). No.23596 of 2023

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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 her 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, Srivilliputhur 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;



CRL OP(MD). No.23596 of 2023

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(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.



CRL OP(MD). No.23596 of 2023

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TO

1. The Judicial Magistrate No-II, Srivilliputhur
 2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
 3. The Superintendent,
Special Prison for Women,
Madurai.
 4. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District,
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-85[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.23596 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