



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13312 of 2017

MURUGAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY.
(CRIME NO.724 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MURALI Advocate

For Respondent : M/S.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 23.09.2017, for the offences punishable under Sections 20(2), 24(1) of the Cigarettes and other Tobacco Products Act, 2003 r/w 328 IPC., in Crime No.724 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused was found in possession of banned Pawn Masala, Gutkha, Cigarettes and Tobacco without any valid license from the competent authorities.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent / Police.

4.The learned counsel for the petitioner would submit that the petitioner was working as Salesman under A1. The petitioner is innocent and he has not committed any offence as alleged in the complaint. Apart from this, offence in this case only major offence for impose fine on the Accused.

5.The learned Additional Public Prosecutor strongly opposed for grant of bail to the petitioner, since the investigation is pending.

6.Considering the facts and circumstances of the case and considering the nature of the offences and also considering the fact that the petitioner has been in judicial custody from 23.09.2017,



this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute 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 Judicial Magistrate No.V, Madurai.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders.

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

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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].

sd/-
28/09/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE SUB INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13312 of 2017
Date :28/09/2017

MS/CM-MSA/SAR.4/05.10.2017/2P.6C